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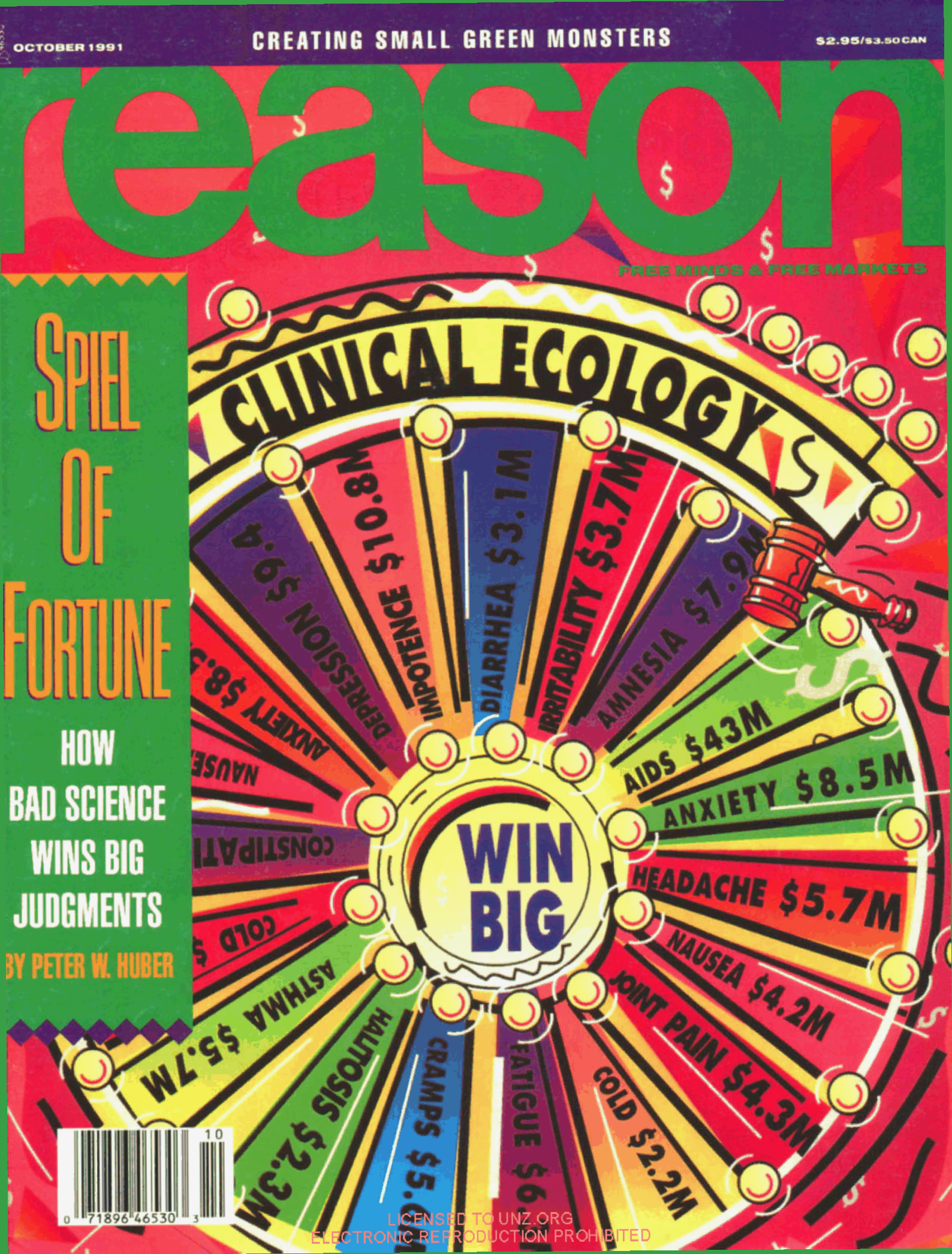

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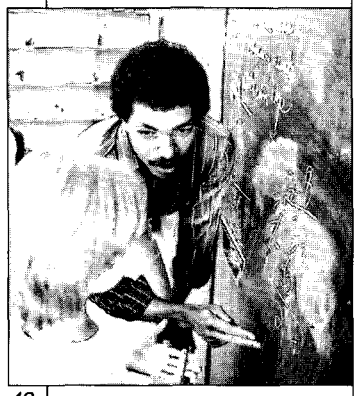

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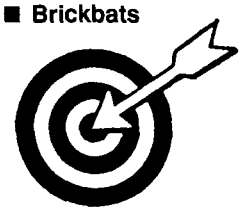

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COMPETITIVE ADVANTAGE

VIRGINIA I. POSTREL

The President's Council on Competitiveness isn't the most visible Washington institution, the most glamorous, or even the most powerful. It's just the most aggravating.

That's because a lot of Democrats (and certain trendy Republicans) would love to claim the "competitiveness" label for their own policies—and the council keeps reminding them that it just ain't so. Instead of bashing the Japanese or begging for subsidies to sunrise, sunset, or high-noon industries, it watches out for new regulations, in hopes of keeping them at a minimum.

The council is essentially a lobbying group, its only power the power of persuasion—but it's persuasive enough to give regulation lovers conniptions. "They can't point to a single item that has made American industry more productive," Rep. Gerry Sikorski (D-Minn.) declared to *National Journal*. "What they can point to is a bunch of backdoor, secret decisions that bailed out special interests—business interests."

Sikorski's rant captures the problem facing a lot of "competitiveness" advocates, particularly neoliberals. On the one hand, they're all for "making American industry more productive." Some, like presidential candidate and former Sen. Paul Tsongas, even welcome the "probusiness" label. Others, like Sikorski, seem to think business is something the Godfather is in. But they all like "competitiveness." After all, they're the people who made it a buzzword.

They also like regulation. They want to tell industry whom to hire and when to fire, to dictate benefit packages and advertising content, to protect managers from takeovers and workers from layoffs. They want a safe, secure world where risk takers can't build minimills and nobody uses plastic packaging.

The younger generation of liberals talks a lot about entrepreneurship and gripes a lot about bureaucracy. Neither Atari Democrats nor high-tech Republicans are likely to propose wage and price controls anytime soon. Most of them want to cut capital gains taxes.

But these probusiness, "fiscally conservative and socially liberal" folks lump certain kinds of bureaucratic oversight in with Mom, apple pie, and the right to have an abortion. To paraphrase Gordon Gekko, they're convinced that "green is good."

That's why they find the Competitiveness Council so subversive. The council isn't against environmental regulation per se, but it has a nasty habit of raising embarrassing questions. Like how the Clean Air Act, which supposedly concerns clean air, came to require garbage recycling. Or why half of California and a lot of midwestern puddles suddenly became "wetlands."

The council has even advanced the heretical notion that environmental regulations shouldn't redistribute wealth—that the government should pay people when its rules destroy the value of their property. Specifically, the council supported a Senate amendment requiring federal agencies to compensate property owners for regulations that reduce the value of their land.

If you think "competitiveness" equals protectionism or government-directed industrial policy, the council does seem way out of line. What, after all, does paying a farmer for the property you've declared a wetland have to do with making computer chips? How does blocking a recycling requirement make America more productive?

In part, the council's work serves simply to make people realize the costs—to real live human beings—of popular regulations. If preserving wetlands really benefits the public at large, as environmentalists aver, then we should all chip in to foot the bill. Sticking some unlucky farmer with the tab is hardly fair.

But acting as though regulation is free (no new taxes required!) is not only unfair, it's uncompetitive. The reason lies in what economists call opportunity cost. This is the deceptively simple concept that the cost of doing something isn't just the out-of-pocket dollars and cents. It's also whatever else you *didn't* do. The cost of going to a movie isn't only seven bucks for a ticket. It's also the time you didn't spend reading a novel or cleaning the garage or visiting your mom; in fact, it's the acts themselves—the reading, the cleaning, the visit.

Regulations impose not only direct costs—for lawyers, technicians, and tests—but also broader opportunity costs. Consider the plastic-film maker with a hot new product. Making the new film produces, at an intermediate stage, a brand new compound, one that hasn't passed EPA scrutiny. The compound never leaves the plant's property, since it's transformed into other, approved substances during later manufacturing stages. Satisfying the EPA takes money for tests, but more importantly it diverts the plant's best engineer from other projects for a whole year.

His salary is one cost of complying with the regulations. But the more significant cost isn't those tens of thousands of dollars. It's whatever the engineer doesn't do—the product innovations, quality im-

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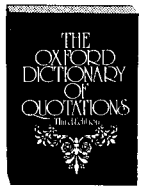

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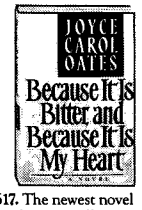

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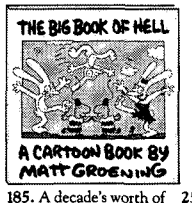

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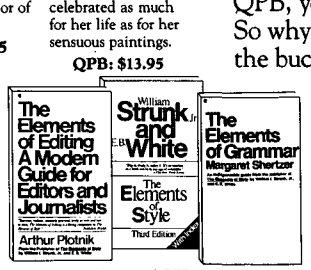
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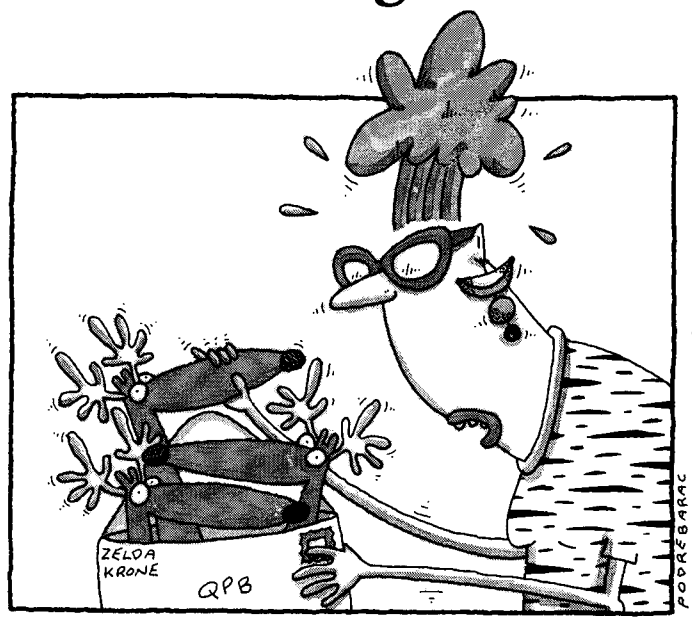

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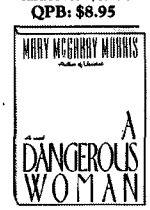

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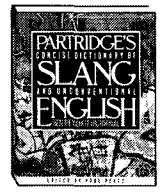

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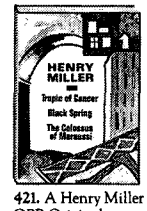

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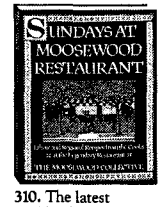

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EDITORIALS

provements, or new applications he could otherwise dream up in that year. If you could save that year, and the tens of thousands of others similarly squandered, you would make American companies more productive.

The opportunity costs of regulation extend to the economy as a whole, through what economist Melvyn Krauss calls "Europeanization." This is the accretion of restrictions that make risk taking all but impossible. For European companies, even hiring a new employee can constitute an unacceptable risk, given all the rules governing benefits and layoffs. The result is stagnation.

Europeanization is what you get when you try to square a fondness for business with a passion for regulation. It doesn't wipe out IBM or General Motors. It just leaves the economy dependent on huge, old-line companies that can live for decades on their inherited wealth and the political clout that wins them protection from foreign competitors.

All this puts liberals—neo and otherwise—in a funny position. Without realizing it, they've become the party of big business. Bureaucracy is the comparative advantage of large organizations. They may not be nimble, but they sure can fill out forms.

The President's Council understands the connection between those forms and the elusive concept of "competitiveness." That's why it's so aggravating—and so important.

NATURAL MISTAKE

JACOB SULLUM

The commercials for the beverage Tropicana Twister tell us that it's "unnatural," combining fruit-juice flavors in ways that "Mother Nature never intended." Judging from press coverage of Clarence Thomas's judicial philosophy, there's a good chance that the Supreme Court nominee wants to ban Tropicana Twister and implement strict segregation of fruit juices.

The head scratching over what Thomas means when he refers to natural law and natural rights indicates widespread confusion about the principles on which this nation was founded. The news media have made Thomas out to be some sort of weirdo because he proposes to apply those principles in interpreting the Constitution. There are legitimate questions about how judges should go about doing this—what sources they should consult, what rules they should follow, what analysis they should apply. But most commentators have instead focused on the strangeness of the notion, expressed in the Declaration of Independence and the Ninth Amendment, that rights do not come from governments.

This emphasis arises from a dilemma of many left-liberals: They don't really believe that rights depend on written law; they know, for instance, that slavery was just as wrong in ancient Rome or the antebellum South as it is today. But at the same time, they reject the idea of a higher law as old-fashioned and tinged with religion.

The subhead of a story in *U.S. News & World Report* asks, "Would Justice Thomas put God on the bench?" *The Village Voice* declares, "Clarence Thomas Isn't Just a Conservative, He's From the 18th Century." Such reports give the impression that Thomas is a Bible-thumping reactionary who wants to impose his own standards of behavior on all Americans.

Part of the problem is that journalists and their sources tend to conflate the idea of natural law with specific beliefs about what is "natural" or "unnatural." Hence the *Voice* article suggests that anyone who believes in natural law must want to ban abortion, birth control, homosexuality, and indecent speech. Thomas, opines *U.S. News*, "will provoke a firestorm of opposition if he suggests that practices

EDITORIALS

such as birth control or homosexuality are 'unnatural' and, thus, not protected."

Harvard law professor Laurence Tribe, who certainly knows better, shamelessly plays on such fears in a *New York Times* op-ed piece: "Natural law has most often been cited to justify moralistic intrusions on personal choice—as illustrated by Chief Justice Warren E. Burger's appeal to 'Judeo-Christian moral and ethical standards' in *Bowers v. Hardwick*, a 1986 case condemning oral and anal sex between consenting adults in private."

But what exactly is wrong with the Georgia sodomy law that the Supreme Court upheld in *Bowers*? To argue that it's unconstitutional, one must rely on a theory of rights that goes beyond the explicit wording of the Constitution—a theory in which rights predate and transcend the document itself. In short, one must rely on natural law.

The *Voice* obscures this point by trying to make a false distinction between natural law and natural rights. It identifies the former with Thomas Aquinas and the retrograde notion that "there are absolute standards of right and wrong," the latter with John Locke and the Founders. But natural rights and natural law are part of the same framework: You can't have one without the other.

The *Voice* article inadvertently illustrates the problem of trying to separate the two concepts. The authors are puzzled by the fact that Thomas, who cites the bad, medieval Aquinas in his writings, "inexplicably" quotes good, progressive Martin Luther King, Jr., as well: "A just law is a man-made law that squares with the moral law or the law of God....An unjust law is a human law that is not rooted in eternal law and natural law." King could have explained the link; he was paraphrasing Aquinas.

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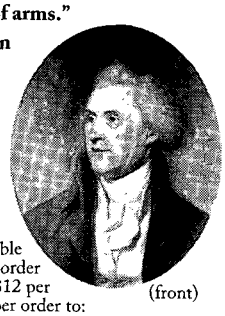
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LETTERS

A Question of Policy

Jacob Sullum's "Gun-Shy Judges" (May) does both me and the ACLU a disservice by quoting my remarks out of context and therefore misrepresenting what I told him in an interview several months ago. Mr. Sullum also incorrectly suggested that my views contradicted the ACLU policy on the subject of the Second Amendment.

Our views on the Second Amendment, and how it bears upon pending or proposed legislation, are as follows:

Second Amendment advocates often suggest that the purpose of constitutionally protecting the right to bear arms is that it would provide citizens the means to resist a tyrannical government. But if that is the purpose, surely handguns are not enough. If one believes that the Second Amendment provides an individual right to bear arms sufficient to resist a modern government, then it must protect not only the right to possess handguns, but also the right to possess bazookas, torpedoes, rocket-launchers, tanks, missiles, and the like. And indeed, the Second Amendment draws no distinctions among types of weapons. But most advocates of the right to bear arms concede that the Second Amendment does not prohibit the government from banning private ownership of such weapons.

Once we concede the constitutionality of government bans on some weapons, we are not talking any longer about whether the government may restrict weapons but rather what constitutes a reasonable restriction. If the Second Amendment provides no basis for such distinctions, as it does not, then it is up to the legislature.

The ACLU does not believe that the Second Amendment provides individuals with an unlimited constitutional right to possess any and all weapons; we therefore believe that legislatures may adopt reasonable restrictions. The question is, What is reasonable?

An absolute ban on all handguns under all conditions might well be unreasonable. So would licensing and registration schemes that invaded privacy or enforcement methods that resulted in illegal searches. The ACLU would likely support challenges to any such unreasonable restrictions. But the Brady Bill raises no such issues, which is why the ACLU has not objected to it on constitutional grounds.

I have not strayed from this position in anything I have written or in any interview I have given, including the one with Mr. Sullum. And the position is consistent with, indeed, is an implementation of, ACLU policy.

Ira Glasser
Executive Director
American Civil Liberties Union
New York, NY

High Fidelity

There were two considerations skipped over by Thomas Donlan's article on HDTV ("The Sharper Image," June).

First, HDTV as currently developed is a very short-range interim technology. It would be a serious error to encourage a lot of capital investment in such a system. Digital information transmission, including digital television, is (or should be) very close to implementation.

We seem to be stuck with a limited spectrum. Digital technology seems to offer the best shot at data-compression schemes and will fit admirably with direct laser transmission and the coming fiber-optic information channels. We should get moving in this direction rapidly. A good libertarian question is, Who or what will control these new information carriers? I suspect another government agency is in the offing.

As to Mr. Donlan's concerns about the

bureaucracy slowing down Japan's entry, I say good for them! That's precisely what the Japanese have been doing to U.S. imports there for many years.

Ted Parker
Camarillo, CA

THOMAS DONLAN'S OTHERWISE fine article contains a few technical errors I hope his book does not have.

First, the NTSC television picture is encoded via amplitude modulation (varying signal strength) but the sound is, in fact, frequency-modulated (varying signal frequency). Second, TV stations do not broadcast at 6 Megahertz (MHz) as Mr. Donlan implies. They are allotted a channel which has a width of 6 MHz, but they transmit at much higher frequency (for instance, channel 17 is the band 488 MHz to 494 MHz).

One other note: The American electronics industry, when left to its own devices, has done a pretty good job of setting expansive, future-oriented standards. I seriously doubt that Japan's MUSE would ever be adopted here, as the author seems to wish. Digital transmission is the best choice, even if it takes longer to develop, because it makes a clean break from the outdated NTSC system and can provide unmatched overall quality.

John Taylor
Cowlesville, NY

THE FCC'S APPROACH to high-definition television is the old 10 pounds of stuff in a one-pound bag. HDTV will ideally have twice the scan lines and twice the horizontal resolution of the current NTSC TV; this means broadcasting four times the information on the original four-by-three aspect ratio. A wide aspect would require half again as much information. To do things right, let's allow the color resolution to equal the luminance resolution, and let's broadcast uncompressed stereo sound. A 40-50–megahertz bandwidth is needed.

Such bandwidth is available via either satellite or cable. Fiber-optic cable adds an embarrassment of bandwidth riches. Yet nothing currently in design takes advantage of these resources. The NHK system at 30 megahertz is not the an-

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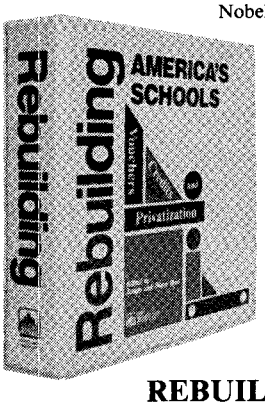

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LETTERS

swer—it's late '70s technology. Using it as an intermediate system would surely kill HDTV; remember what competing formats did to quadriphonic hi-fi and stereo AM radio? American entrepreneurs, who continue to lead the world in high-end audio, could also in high-end video, if they were allowed to build the highest quality system possible. No, the problem isn't the medium, it's the message.

HDTV's real market is pay TV. A truly high-quality wide-aspect picture would enhance premium movies, sports events, travelogues, and nature documentaries. It would find many customers in cable and satellite viewers who have already demonstrated their willingness to invest in good video. HDTV is not going to wow consumers, however, into spending kilobucks on hardware to watch game shows, talk shows, sitcoms, or news and weather in wide aspect.

The answer seems simple: a dual television system, each serving different programming needs. AM radio remains healthy despite FM. It offers talk shows, news, and golden oldies while FM handles high-fidelity stereo music. Likewise, premium HDTV channels would not interfere with the market for the majority of NTSC terrestrial programming. The masses could still watch network and local broadcasts on inexpensive hardware while videophiles could watch premium programming on the best television system in the world.

A one-size-fits-all approach to HDTV will lead to such a technically and artistically compromised system that none will want to watch it, at least in this country. If the Europeans develop a satellite-broadcast HDTV system, wanna bet East Coast dish owners will buy European hardware to receive the programming? Better yet, what's to stop Europe or Japan from launching direct-broadcast satellites near the United States to broadcast higher quality pictures than the crippled American system could? Let's forget about NTSC or NHK compatibility and allow U.S. designers to do their best, then use that system only for appropriate programming.

Donald R. Loose
Beaver Creek, OH

Disaster Relief

Martin Morse Wooster demonstrates remarkable disregard for both facts and reasonable interpretations in his June column ("Eco-Logic"), in which he holds me up as a purported example of an anti-capitalist environmental extremist. In actuality, I am the author of a book, *Freedom Comes from Human Beings*, which advocates free-enterprise solutions for many environmental problems. I advanced the same arguments in the 1981 Environmental Action symposium on the direction environmentalism should take during the 1980s; spent much of 1975-77 ghostwriting a major treatise on capitalism for a former adviser to Ronald Reagan; and was Canadian correspondent to the now-defunct Libertarian Press Service, 1977-1980. Over the past decade, my articles for both environmental publications and general circulation magazines and newspapers have repeatedly spotlighted successful private initiatives to clean up pollution, protect animals, and safeguard habitat. Far from "reaching eco-Armageddon," one of my most important recurring themes has been refuting doomsday scenarios, pointing out that we are not "killing" our habitat so much as changing it with frequently reckless disregard of the long-term consequences, including economic consequences.

Facts are facts, regardless of economic philosophy, and one fact of modern politics is that campaigns with at least twice the spending power of their opponents usually win. One scarcely needs to be searching "for capitalist plots with a misguided vigor similar to that of an earlier generation of fanatics who hunted for communist plots," to observe that the huge financial contributions of pesticide manufacturers and related interest groups were an obvious major factor in defeating California's Big Green initiative last fall.

Likewise, one needn't be searching for plots of any kind to note that the Telluride, Colorado antifur referendum pitted a 20-year-old student, unsupported by national groups, against fur trade organizations who outspent her by a ratio of roughly

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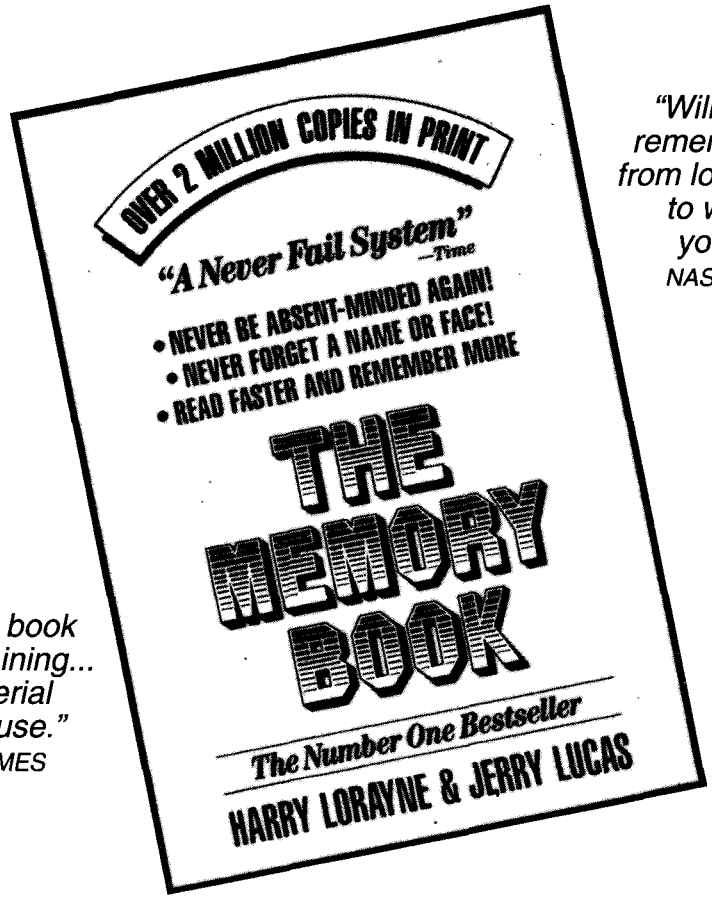
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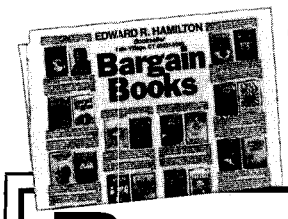

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5,000 to 1. The fur trade didn't spend all that money just for exercise; they spent it to ensure a political victory that might economically help their struggling business (which has depended, from inception, upon massive public subsidies, currently ranging from trappers' access to national wildlife refuges to the USDA's Mink Export Assistance Program).

Also Warren T. Brookes, whom Wooster quoted, seriously misrepresented at least two of his supposed examples of "scientific inaccuracy" on the part of environmentalists.

First, U.S. forest acreage has increased since 1952 primarily because former farms in New England have reverted to woodland after being converted to housing. The new forests are largely contiguous wooded back yards, which provide limited animal habitat and are never likely to become part of the American timber supply. Further, clear-cut government acreage is still included in the forest land inventory, even though new trees of timber size won't have grown back until midway through the next century.

Second, the salmon catch in Prince William Sound increased the year after the Exxon Valdez oil spill because the spill had killed or driven away virtually all the major salmon predators, including bears, eagles, seals, sea otters, and osprey. This scarcely suggests a healthy or recovering ecosystem.

Merritt Clifton
Editor
The Animals' Agenda
Monroe, CT

Enclosing Argument

Paul Craig Roberts's otherwise fine article ("Privileged Privatization," July) is marred by his concluding comment that the privileged privatization of the Soviet economy "is not an outcome that should ...distress libertarians." The heritage of classical liberalism is an opposition to privilege—the special rights granted de facto or de jure by government. An economy of privilege, with the form but not the substance of capitalism, is mercantilism. The fruits of mercantilism are unearned wealth, poverty, tyranny, and the smearing of the name of true laissez-faire.

For Roberts to argue that libertarians should not be distressed by Soviet developments is to suggest our forebears should not have been distressed by the tyranny of English mercantilism and that modern libertarians should not be distressed by the web of subsidies, licenses, and regulations that make up the modern American mercantilist state.

Free markets depend upon private property, to be sure; but this does not mean a system of private property based on privilege will result in free markets. To the contrary, privilege is always and everywhere the enemy of free markets and individual liberty.

D. Allen Dalton
Director
Center for the Study of Market Alternatives
Caldwell, ID

Dr. Roberts replies: If the Soviet economy were moving from laissez-faire to mercantilism, I would agree with Allen Dalton. But as it is moving from communism to mercantilism, I do not, for this too shall pass. After all, we got to private property through the enclosures, a privilege-based laissez-faire for the powerful that had the effect of creating labor markets.

Democrat or Dictator?

William D. Eggers's glowing account of Levon Ter-Petrosian, president of the Armenian republic ("The New Opposition," July), seems greatly at variance with his most recent activities, as recounted by

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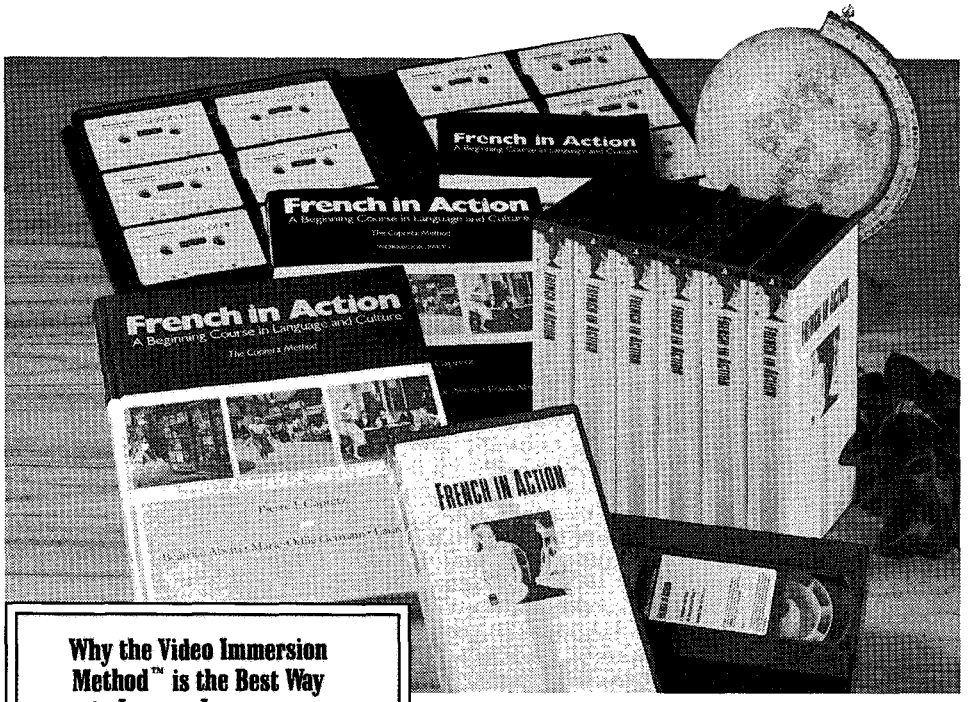
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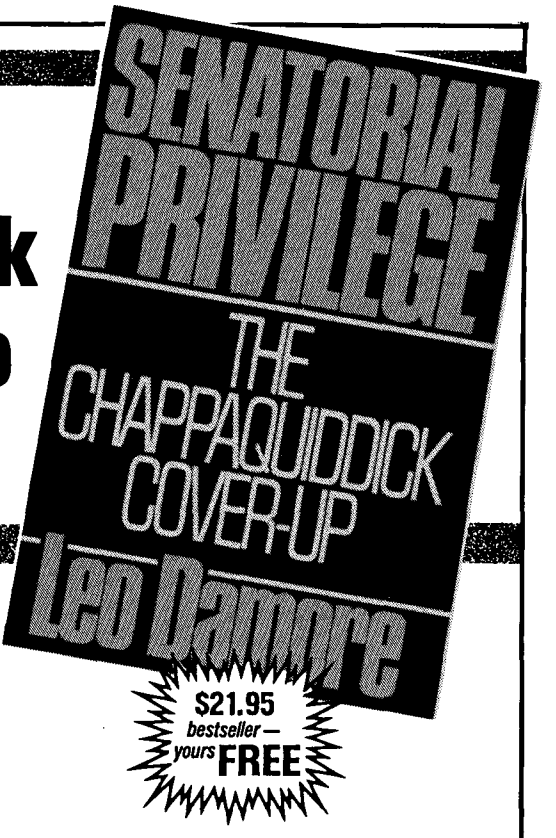
The American Foundation for Resistance International:

Prior to Ter-Petrosian's rise to political prominence, the leading democracy activist in Armenia was Paruyr Hayrikyan, chairman of the Union for Armenian National Self-Determination, who was forcibly exiled (in handcuffs) from the Soviet Union in July 1988. Hayrikyan continued his activism in the West and succeeded in being elected to the Armenian parliament in May of 1990, while still in exile. In the interim, Ter-Petrosian had assumed the office of president and was personally on hand to escort Hayrikyan to his seat in parliament when Hayrikyan returned to Armenia on November 12, 1990.

This would seem a generous act of welcome, were it not for the fact that, in the early morning hours of March 19, 1991, several hundred Interior Ministry troops in armored personnel carriers—accompanied by Ter-Petrosian's armed militia of the Armenian National Movement—surrounded a building in Yerevan where the Union for National Self-Determination was conducting a meeting. All 50 attendees were arrested for "curfew violation" (a strange charge, inasmuch as they were all within a building at the time), including Hayrikyan, 13 board members of the union, and Susanna Avakian, director of the Armenian Earthquake Orphans Fund. Upon hearing of this crackdown, Ruzanna Gorgisian, whose husband had earlier been assassinated by the KGB, went to the police station to make inquiry and was also arrested. By morning, a crowd of thousands had gathered to demand release of the democracy activists. Only Hayrikyan and Avakian were released, presumably because of their repute in the West, the rest being held.

Later that day, in an interview with TASS, Ter-Petrosian criticized Hayrikyan for "favoring the restoration of Armenia's independence and immediate secession from the Soviet Union." Subsequently, Ter-Petrosian's assistant, Vano Siradeghian, announced on March 24 that the Armenian government "is clamping down on organizations favoring the restoration of Armenia's independence and

Despite a media brownout, this book fought its way onto the bestseller lists.



And when you read what it reveals about Teddy and Chappaquiddick, you'll see why.

Ray Kerrison explains it all in his *New York Post* column:

"The biggest surprise — and scandal — of the publishing season is the public's extraordinary demand for a book exposing Sen. Edward Kennedy's fatal escapade at Chappaquiddick, despite a review blackout by the nation's media giants.

This book is titled *Senatorial Privilege: The Chappaquiddick Cover-Up* (Regnery Gateway, $21.95). Written by Leo Damore, it made the *New York Times* non-fiction best-seller list yesterday for the eighth straight week.

Yet the . . . *Washington Post, Los Angeles Times, Boston Globe, Time* and *Newsweek* have all boycotted it.

The media blackout is all the more suspicious because Damore's account is a meticulous examination of what happened at the bridge and the aftermath. It was written with the cooperation of Joseph Gargan, a Kennedy cousin, who was involved in the nightmare. . . .

Damore's book leaves no doubt that: a) Kennedy left the party for a romantic interlude; b) he was drunk; c) he drove off the bridge at considerable speed; and d) his license had expired five months earlier.

It discloses how Ted Sorenson, President John F. Kennedy's speechwriter, drafted Sen. Kennedy's fictitious explanation of the tragedy for a national TV audience."

People Magazine shares the enthusiasm:

"An achievement of reportorial diligence, this book tells a story that the most imaginative crime novelist would have been hard put to invent. It is a tale of death, intrigue, obstruction of justice, corruption and politics. It is also one view of why Sen. Edward M. Kennedy was never indicted in connection with Mary Jo Kopechne's death . . . readers will find it hard to put down."

Adds the **Wall Street Journal**:

"Absorbing and definitive account . . . Damore . . . is a disciplined and relentless writer who makes his case more devastating because he never steps back and editorializes. Each falsehood, blunder and evasion is in tight focus. . ."

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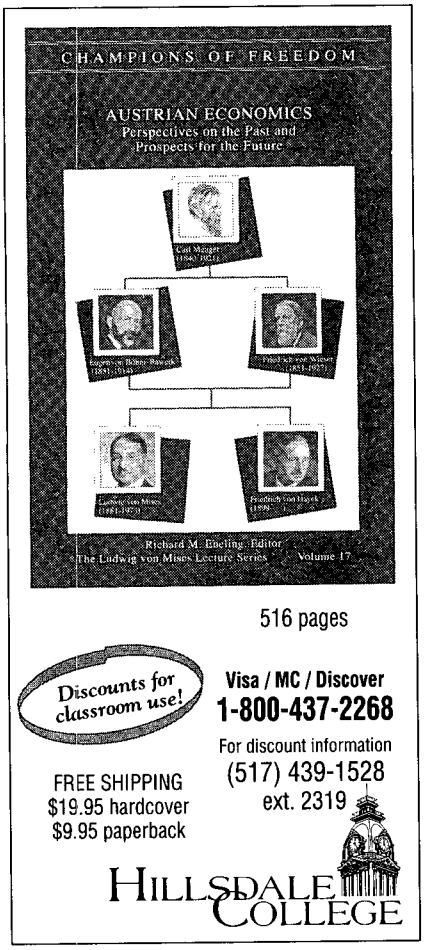

LETTERS

immediate secession from the USSR because parliament should take steps toward dictatorship."

A fine thing, for a supposed "prodemocracy activist" to countenance the suppression of his compatriots and to endorse dictatorship! It appears, instead, that Ter-Petrosian is simply acting the part of a collaborator with the Gorbachev regime, favoring the preservation of his personal political power over any adherence to principles. This account is a lesson that we should not uncritically accept characterizations of Soviet politicians as being prodemocracy, without in-depth scrutiny. The opportunity for a charlatan is now enormous, as the captive republics may eventually discover.

Michael J. Dunn
Auburn, WA

Who Shot R.R.?

Thomas Szasz has long been an effective gadfly of and for the mental-health community. His one-page screed, "Hinckley and Son" (July), however, demonstrates how any surviving effectiveness can be undercut in an explosion of sarcasm, misstatement, unsupported assertion, misleading premise, unexamined implication, and demagogic illogic.

Among the explicit remarks in this piece are the following: Schizophrenia is not a disease, and if it were it is not treatable; Hinckley should have been executed, or allowed to kill himself; the only symptoms of Hinckley's disorder were discovered in the attempted assassination; and the mere act of making an appointment to see a psychiatrist automatically stigmatized Hinckley for life.

Among its implications are these: There is something wrong with the labels given to the Brady Bill and the neuroleptic drugs; there is something wrong with a father seeking treatment for his son and then trying to keep him alive; it is intelligent for people whose lives may be described as "parasitic and pathetic" to kill themselves; and any psychiatrist must necessarily diagnose anyone who seeks help as having a serious mental illness.

There are many problems in the whole Hinckley case, to be sure, and there seem to be problems at St. Elizabeth's as well. But to trot these out in apparent service of a conviction that "patient," "illness," and "doctors" are somehow ersatz terms to be used for a schizophrenic and psychiatrists is irrational.

Neil D. Isaacs
Colesville, MD

The American Way

In his review of *The Power and the Glitter*, ("Reelpolitik," June), Joseph Farah included a very short and uncomplimentary reference to Norman Lear's organization People for the American Way. In the interests of balance, I would like to point out one wonderfully good thing that PAW recently did for the citizens of my home state, Texas, and for America as a whole.

For many years, Texas selected its high school biology textbooks favoring the views of, shall we say, nonscientists, through unremitting pressures applied by biblical literalists, who faithfully lobbied the selection hearings so that no mention of hominid fossils or other such godless malarkey should affect the religious sensibilities of their otherwise pious children. PAW recently took them on and won (or at least played a very significant part in winning) the day for scientific integrity in the classroom. I hope that pleases you. It certainly pleases me.

Thomas McLaughlin
Lubbock, TX

Clarification: Due to an editing error, an article in the August/September issue ("Getting Away With Murder") identified Joel Steinberg as the "husband" of Hedda Nussbaum and Lisa Steinberg as their "adopted daughter." Steinberg and Nussbaum were not legally married, and they never legally adopted Lisa.

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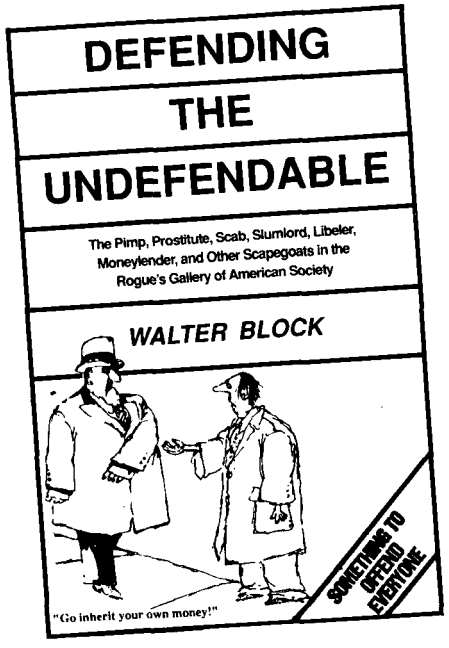
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TRENDS

Up in Smoke

California's antismoking campaign isn't exactly subtle. One commercial shows a pregnant woman serving dinner to her husband, who is smoking a cigarette. She begins to cough, exhaling plumes of secondary smoke, and he continues puffing away, oblivious. As the coughs become louder, the camera focuses on her swollen belly.

It's tough, but it works. Or so the state Department of Health Services would have us believe. California's "innovative," $28.6-million mass-media campaign, the most conspicuous result of a cigarette-tax initiative passed in 1988, has gained a reputation for effectiveness that has little basis in reality.

That reputation is encouraging imitators in other states. In May, two Wisconsin legislators announced plans to introduce a bill that would raise their state's cigarette tax by 10 cents a pack and allocate the additional revenue to an antismoking campaign. "A similar plan of education and advertising has already been tried in California," said Senate President Fred Risser, "and Californians quit at about twice the rate as before the campaign. That means there are now about 750,000 fewer smokers in California than before the antismoking media campaign."

But the impression that California's ad campaign has reduced smoking is based on data that show nothing of the kind. The Department of Heath Services reports that the percentage of adult Californians who smoke has declined from 26.3 in 1987 to 21.2 in 1990. These figures come from two sources: the 1987 National Health Interview Survey, which included a California sample, and a 1990 survey commissioned by the state. The decline in the number of smokers is 13 percent bigger than would have been expected based on the downward trend prior to 1988.

State officials suggest that the difference is due to the antismoking campaign: "Research Data Shows Significant Drop in Tobacco Usage Since Enactment of California's Tobacco Education Campaign," a health department press release announced last year.

But figures on cigarette sales from the state's tax collectors tell a different story. Between April 1990, when the ad campaign began, and the end of the year, the number of cigarette packs bought by Californians was only about 1 percent lower than during the same period in 1989.

The sales data do show a significant drop in purchases, of about 14 percent, between 1988 and 1989. (By contrast, purchases declined by about 1 percent between 1987 and 1988.) What happened in 1989? That was the year the cigarette tax went from 10 cents a pack to 35 cents, raising the price of each pack by about 12 percent.

Michael Johnson, chief of the evaluation unit in the health department's Tobacco Control Section, agrees that "it's primarily the tax that would account for the drop." It looks like California has rediscovered the demand curve.

—Jacob Sullum

Fetal Error

Every bottle of beer, wine, and liquor sold in the United States now bears a warning from the surgeon general that "women should not drink alcoholic beverages during pregnancy because of the risk of birth defects." Yet research finds Fetal Alcohol Syndrome only in a small fraction of the children born to heavy drinkers, and there's no evidence that moderate drinking during pregnancy poses a threat to the fetus. Nevertheless, the federal government continues to emphasize the risk of FAS, estimating that 1 to 3 cases occur per 1,000 births. Gene Ford, editor of *The Moderation Reader*, recently compared projections based on this estimate to actual cases of FAS recorded by state vital statistics departments. State officials caution that underreporting is a problem. But the magnitude of the disparities suggests that exaggeration is, too. (Twenty-four states collect FAS data; these figures are for the 12 with the most births.)

State	Births	FAS Births	Gov't Estimate*
Ala.	62,530	11	124
Ariz.	60,822	9	120
Calif.	569,308	32	1,139
Fla.	193,800	4	386
Ga.	110,216	25	220
Ind.	81,414	13	162
Mo.	77,386	8	154
N.J.	113,284**	22**	226
N.C.	102,091	24	204
Ohio	163,716	31	326
Tex.	307,540	10	614
Wash.	75,321	8	150

Figures are the most recent available for each state.

**based on rate of 2 cases per 1,000 births*

***averages of figures from four recent years*

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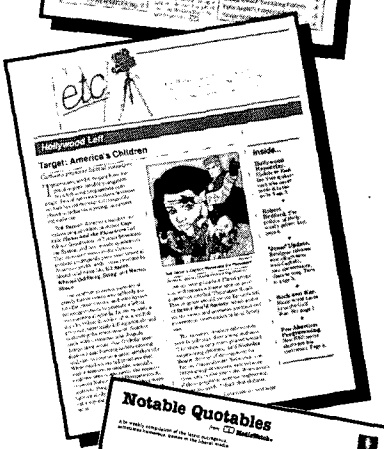
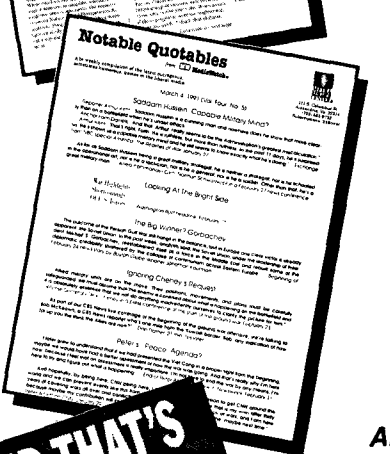
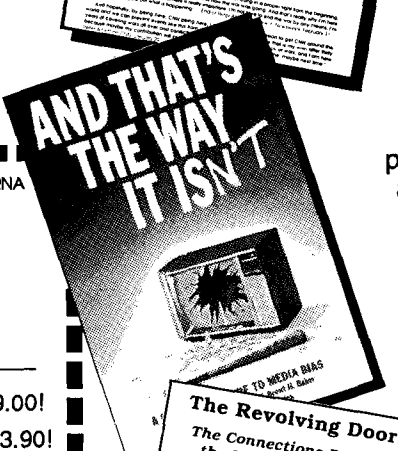
MediaWatch, a monthly newsletter that reviews news coverage of political and current events by the television networks, newspapers and news weeklies. "Newsbites" provide ongoing examples of bias and the "Janet Cooke Award" examines the month's most distorted story. Plus: In-depth studies and analysis.



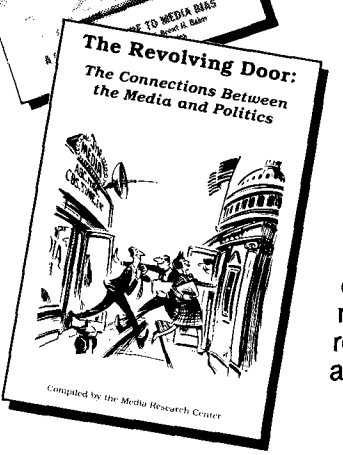
TV, etc., a monthly newsletter that investigates the liberal issue agenda permeating prime time television, current cinematic fare and record releases and catalogues the off-screen political activities of the Hollywood Left.



Notable Quotables, a bi-weekly compilation of the most outrageous and humorous examples of bias from the media. At year-end the Linda Ellerbee Awards present the best quotes of the year.



And That's the Way it Isn't: A Reference Guide to Media Bias provides 350 pages of summaries, excerpts and reprints of 45 studies that demonstrate the media's liberal bias. A one-stop resource containing all the facts and figures, examples and quotes proving the media's bias.



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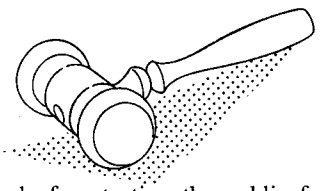

Slicing Bacon. U.S. District Judge Charles Legge strikes down California's private version of Davis-Bacon. (See "Exclusionary Rule," Aug./Sept.) Legge dumps three Northern California laws that mandate union wages for private construction projects. Instead of protecting the public from incompetent workers, the judge writes, the laws are "economic legislation [primarily] for the benefit of...certain unions."

Dirty Water? Three decades ago, fish couldn't live in the filthy Thames river. Now Thames Water, a private sewage-disposal company, restores the river and makes a profit. Sportsmen caught more than 100 species of fish in the cleaner river last year; riverbank residents now say the water is almost drinkable. Thames Water management also advises water privatizers in the Soviet Union, Eastern Europe, and Africa.

Private Line. The federal government will auction off 200 MHz of its broadcasting spectrum to firms selling cellular phones and pagers. Bills introduced by Sen. Ted Stevens (R-Alaska) and Rep. Don Ritter (R-Pa.) mandate frequency auctions. And the president promises to veto any proposals to give the frequencies away.

Salvaged. Junk bonds rebound. Despite record defaults, prominent junk-heavy companies are dumping debt and making money. RJR Nabisco and Safeway now sell common stock. Dallas's Morningstar Foods buys back its bonds. *Fortune*'s Gary Hector notes that the current market promises "adequate returns for taking on very high risks."

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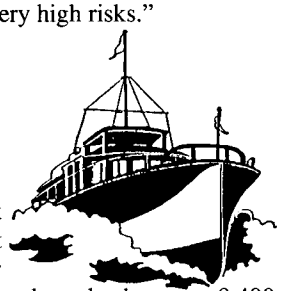

Soak the Proles. A study prepared for Sen. Connie Mack (R-Fla.) and Rep. Olympia Snowe (R-Maine) shows that last year's tax on luxury items costs the federal treasury nearly $5.00 for every buck it collects. Lower boat, airplane, and jewelry sales have cut 9,400 manufacturing jobs, costing the feds $19 million in lost income taxes and extra unemployment benefits. But I'm sure Dick Gephardt and George Mitchell feel better.

Border Patrol. You visit California's wine country and want to order a precocious Cabernet to enjoy in your Ohio home. Forget it. Federal law prohibits the Postal Service from shipping alcohol. And most states won't let out-of-state vintners sell to consumers unless they buy a license and find a local distributor. Wine industry consultant Vic Motto tells the *Los Angeles Times*: "Every state is like dealing with a foreign country."

Executive Odors. White House-imposed regulations force private companies that get federal contracts to use hiring goals and timetables—a.k.a. quotas. Indeed, *Fortune*'s Daniel Seligman reports, the Labor Department arm-twisted nearly 3,000 companies into hiring by the numbers in fiscal 1990 alone. President Bush could nix these race-based rules. But he would rather talk about a color-blind society than actually promote one.

Pigs in Space. Sen. Dale Bumpers (D-Ark.) tries to cut funding for the space station to $100 million; the heads of 14 scientific societies back him up. (See "Beyond Tomorrowland," May.) But the Senate approves $2 billion in subsidies for next year. Bumpers says this orbiting hamhock "is not going to have any scientific payback." Astronaut Sen. Jake Garn (R-Utah) retorts, "I personally am offended by these scientific groups."

—Rick Henderson

Stop Draggin' My Car Around

Would you sacrifice your car for a sexual encounter? Some men in Oregon now have to ask themselves that question. And their dilemma may soon be faced by those in other states.

In an effort to stamp out prostitution, police officers in Portland have been taking the cars of men suspected of solicitation. The seizures are sanctioned by laws, passed to combat drug dealers, that allow authorities to take property used in committing a crime.

Since October 1988, Portland and Wayne County police officers have seized almost 1,000 cars. These numbers have impressed other cities, who see it as an effective way to help eliminate prostitution. Detroit has recently begun its own seizure program. And police in other cities have contacted Portland authorities for advice.

Undercover officers lure would-be customers into offering them money for sex. Once the deal is made, officers rush in to seize the suspect's car and tow it away. "The seizure is made on the spot," says Stevie Remington, executive director of the Oregon ACLU, which is challenging the practice. "They don't have to have probable cause. They don't have to prove guilt beyond a reasonable doubt. They don't even have to charge anyone with a crime."

Because the seizures are made under civil law instead of a criminal statute, prosecutors only have to show "a preponderance of the evidence" to justify taking a car.

"What's more," says Remington, "the seizures often amount to a stiffer punishment than what the suspect would get if he were convicted. The maximum fine for solicitation is $2,500, but the police can seize cars worth thousands of dollars more."

In fact, the *Los Angeles Times* reports that the most expensive vehicle seized in Portland was a $100,000 tractor-trailer loaded with candy bars.

—Charles Oliver

Bad Trade

When the Clean Air Act was passed last year, the Bush administration hyped its market-based approach to reducing air pollution. And when the Chicago Board of Trade voted in July to allow trading in pollution permits, many saw the move as a market approval of the Bush approach.

But despite the Board of Trade's vote, some economists have reservations about the permit system's viability.

Under the Clean Air Act, the Environmental Protection Agency can issue permits that allow the holders to emit specified amounts of sulfur into the air. Companies can buy and sell the permits to increase or decrease their level of pollution. Those who produce less pollution than permitted can sell their rights, thus creating an incentive for companies to cut their sulfur emissions.

At least that's how it's supposed to work. But James L. Johnston, senior economist at Amoco Corp., has his doubts.

"If you read the act, the allowances—that's what they are referred to as, not rights—aren't property rights. The EPA reserves the right to modify or eliminate them at any time. And companies can't sue, even if the value of the allowances is driven to zero."

Permit trading is also supposed to force companies to search for the lowest-cost way of cutting emissions, but Johnston says that isn't the case either. "Dig into the act and you find all sorts of indirect incentives to use high-sulfur coal with scrubbers, as well as a promise of $2.5 billion in direct subsidies for utilities to continue using high-sulfur coal. Never mind that it might otherwise be cheaper to switch to low-sulfur coal."

The effect of these loopholes, Johnston contends, is to undermine companies' confidence that the system will last and to make the permits less attractive to buyers. "At best, this is not a very graceful way of dealing with environmental problems," he says. "At worst, it may contain the seeds of its own destruction."

—Charles Oliver

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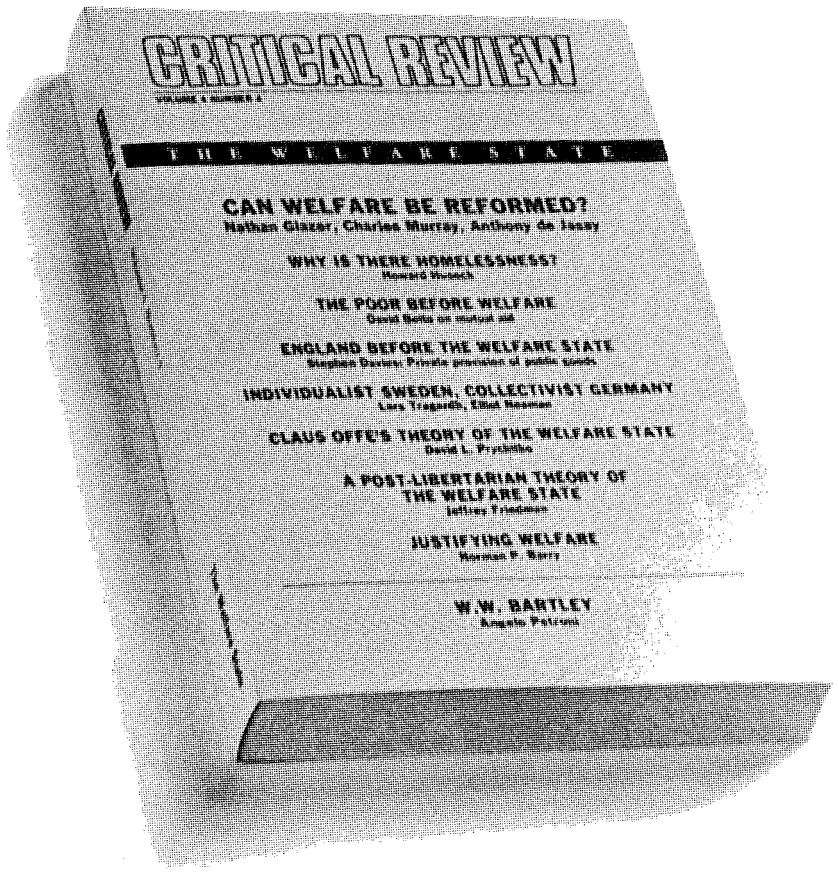
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BRICKBATS

In Orland Park, Illinois, a mother has filed a $225,000 suit against a local high school for unreasonable search of her 16-year-old son. After noticing a suspiciously large bulge in the crotch of the boy's pants, school officials thought he might have stashed drugs there. But a strip search revealed nothing but teenage boy. Trying to explain the mistake to the mother, a sensitive teacher said, "I don't know how to put this to you delicately, but have you ever heard of [porn star] John Holmes?"

Columnist and backyard marksman Carl Rowan pooh-poohs the idea that Clarence Thomas is the best man for the Supreme Court. "Clarence Thomas is the best only at his ability to bootlick for Ronald Reagan and George Bush." And if anyone knows about licking the boots of white men, it's the man who spent the most important years of the civil rights movement as spokesman for the State Department and ambassador to Finland.

In Massachusetts, the mother of a boy who died after crashing a car he stole is suing General Motors and Consolidated Rail Corp. The suit claims that the defendants or their agents negligently left the keys in a car in an auto freight yard. The suit claims the defendants "knew or should have known" that people might trespass at the yard because six weeks before stealing the car involved in the crash, the boy had stolen another car from the same yard. The nerve of these big corporations.

The thong wars continue in Florida. Following complaints about bikini-clad sidewalk hot dog vendors (See Brickbats, May), the Palm Beach county commission tried to find a constitutional way to cover up the ladies. Commissioners now propose to punish those "appearing" to be naked in public. If the ordinance passes, Palm Beach could become the first place in America to jail someone for the "appearance" of impropriety.

Meanwhile, the police in Hudson, Florida, have their own crime wave to worry about. Seems that retirees gather on the beach to play penny-ante pinochle. Police busted seven men who regularly wager as much as $2.00 a week. Each faces a $500 fine.

Congress may not be the dumbest organization in Washington, D.C., after all. District police ticketed a car at least once and perhaps as many as three times during a 15-hour period. That's not unusual; the car was in a no-parking zone. What *was* unusual is that the car's engine was idling and a corpse shot in the head was in the rear seat. Only after a passerby noticed the corpse and notified police did officers suspect anything was wrong.

Also in the running for the District's Dumbest is District Cablevision. After the teenager mowing one District woman's lawn almost strangled himself on a low-slung wire leading to the house, the woman asked the cable company to rehang the wire. When she got home on the day the work was to be done, the woman found the wire still too low and a note from the work crew. The wire was fine, it said, but her house needed to be raised.

In Los Angeles, a judge has found the trendy nightclub Vertigo in violation of state civil-rights laws for turning away those who aren't smartly dressed. The club's lawyer said that making those with no fashion sense a protected class of people "trivializes the Constitution."

California civil-rights laws have also squashed the AMC theater chain's plans to ban children under age 3 from its screenings of PG-13 and R-rated movies. After a parent threatened to sue for discrimination, AMC's lawyers advised it to halt the policy.

—Charles Oliver

A Feast of Freedom

"Liberty is a Glorious Feast." —Robert Burns

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Hors d'oeuvres

To whet your appetite, **Reflections** offers the provocative opinions of **Liberty**'s editors. A few selections from the menu for September:

Loren Lomasky on the government's paternalistic attitude to beer drinkers;

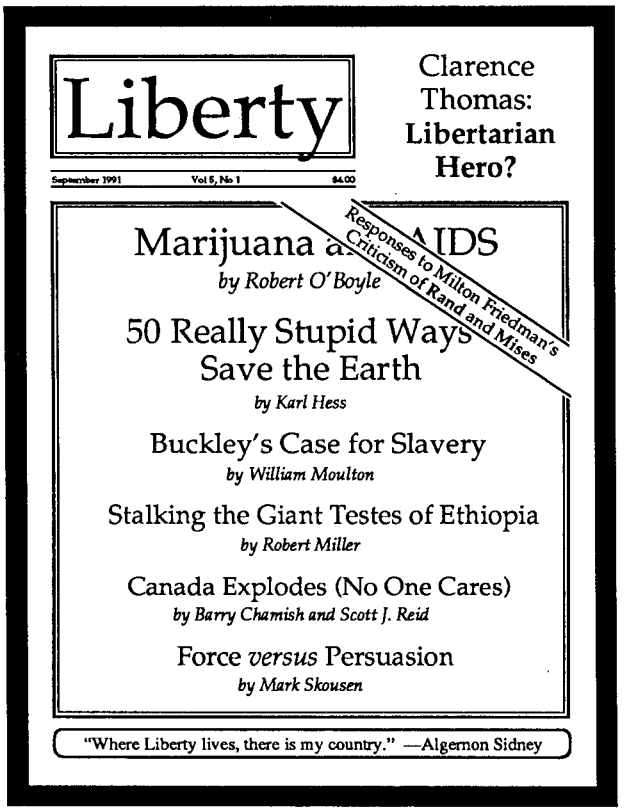
Brian Doherty on Frank Zappa's itch to run for President (and Zappa *knows* itching);

Robert Higgs on the U.S. plan to export antitrust law to the Soviets;

Ethan Waters on the straight dope about injudicious smoking by Supreme Court nominees;

Steve Cox on hugging President Bush;

Ann Rogers on the Florida lawyers' no-tell cartel.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Entrées

The main course is a variety of controversial and thoughtful essays. A few entrées from our current offering:

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R. W. Bradford questions the validity of the grossest statistic of them all: the "Gross National Product";

Robert O'Boyle uses marijuana as medicine in his fight against AIDS, and looks for some hope amidst a world at war with this very effective drug;

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Sheldon Richman defends *Webster's Third International* ("Bolshevik") *Dictionary*;

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QUACK

ATTACK

Got a headache? Back pain? Fatigue? It could earn you big bucks, with the help of clinical ecologists.

BY PETER W. HUBER

Meet Bertram W. Carnow, M.D., of the University of Illinois School of Public Health. His 22-page résumé lists some 145 publications, some of them never in fact published, at least not under his name. Carnow obtained his medical degree in 1951 but hasn't practiced medicine for 20 years. He registered for the board certification exam in internal medicine in 1957, 1958, 1960, 1961, 1962, 1963, and

Excerpted from the book entitled GALILEO'S REVENGE: JUNK SCIENCE IN THE COURTROOM, by Peter W. Huber. Copyright © 1991 by Basic Books. Published by arrangement with Basic Books, a division of HarperCollins Publishers Inc.

PAMELA HOBBS

1964, but withdrew twice and failed five times. He has since testified eight times, under oath, that he sat for board certification in internal medicine only once. "I had completely forgotten" the other tries, Carnow explained in a 1984 UPI story.

Today, Carnow heads up Carnow, Conibear & Associates—the Conibear being Dr. Shirley Conibear, Carnow's fourth wife. (Third, testifies Carnow.) The firm's best-known service is expert testimony. The testimonial line is that the human body is under almost constant chemical assault, that chemicals cause nearly every human affliction, their mechanisms wonderfully subtle but their effects readily ascertained. It is a line most commonly labeled "clinical ecology."

The modern roots of the theory can be traced to 1962, an interesting year for several reasons. By that time, older theories about cancer—that it might be caused by bruises and other simple traumas, for example—were on the wane. Doctors, public-health specialists, and ecologists were scouting around for more plausible causes of disease. In *Silent Spring*, Rachel Carson had identified something important: Pesticides accumulate in animals (like birds) at the top of the food chain and can cause real harm. And 1962 also marks the year that Dr. Theron G. Randolph published his *Human Ecology and Susceptibility to the Chemical Environment*, a book destined to become the standard text of clinical ecology.

Like other great eccentrics, Randolph has some serious credentials. He is a Harvard-trained, board-certified allergist. By 1950, however, he had been dropped from the Northwestern University Medical School faculty, for what he later smilingly described as his "pernicious influence on medical students." But ostracism of this kind inspires rather than discourages the new-age Galileos. Randolph claims to have identified a new illness; he has created "a new specialty of medicine concerned with a shadowy area unexplored, forgotten, and maligned by analytically oriented scientists."

The human body, adapted for the Stone Age, is being assailed by toxins of the Space Age, Randolph reasons. "If viruses and bacteria can cause illness, why can't phenol, formaldehyde, chlorine, and pesticides?" Cumulative exposures to the wrong chemicals, he concludes, induce a "susceptibility," defined entirely by the symptoms that a patient actually exhibits. Chemical vapors from plywood and plastic telephones, furniture and food, may all be implicated. They will trigger allergic symptoms, inflammatory diseases like arthritis or colitis, neuromuscular disorders, headaches, wheezing, depression, and countless other symptoms. Seriously afflicted persons grow mentally exhausted; they experience what Randolph calls "brain-fag." He does not know what causes this "total-allergy syndrome"; he attributes its symptoms to some as yet undiscovered mechanism. "To be truthful, the mechanism isn't understood or accepted," he told the Associated Press in 1985.

Understanding may be a long time coming, but acceptance comes surprisingly quickly, at least at some fringes of the medical profession—and in the courtroom. The modern clinical-ecology movement took shape in the two decades after Randolph published his first big book. The movement would grow to encompass a broad range of constantly shifting views, some of them much less diffident than Randolph's. Today's clinical ecologists are a varied group, a mix of general practitioners, psychiatrists, urologists, and pediatricians. Few have scientific training in laboratory or clinical research. The one conviction they all share is that lots of people are sicker than mainstream medicine admits, and that environmental chemicals are to blame. In the 1981 movie *The Incredible Shrinking Woman*, Lily Tomlin gradually shrinks to doll size under the onslaught of household cleaners and other chemicals. Clinical ecologists believe that in such matters truth is almost as strange as, and much more grave than, the comic fiction.

After an injection of formaldehyde, one clinical ecology patient "began laughing and rocking in the chair and thought she was Jesus' wife."

Consider, for example, reports published in 1989 in the serious-sounding journal *Environment International* by Sherry A. Rogers, M.D., a self-diagnosed "universal reactor" to environmental chemicals. Rogers's patients arrive complaining of (take your pick) hoarseness, headaches, failing grades in school, and any number of ailments from an endless list. Such symptoms, Rogers reports, have "baffled physicians from many specialties." Rogers, however, notices that all the symptoms began some time (days, weeks, or months—it varies) after moving into a new house, buying new furniture, starting a new job, or doing something somewhere.

She injects each patient with small amounts of formaldehyde. One promptly reports "a warm feeling, ringing in the ears, and achy joints." Another displays "visible flushing." Yet another "began laughing and rocking in the chair and thought she was Jesus' wife." Amazingly, these are exactly the symptoms the patients complained of beforehand. Injections of pure saline solution reportedly produce no effect, though Rogers is sketchy about all details. Sooner or later, declares Rogers, the astonishing discoveries of clinical ecologists will "unavoidably...usher in a new era of medicine."

A medical breakthrough this grand requires more than unbaffled physicians like Rogers. It requires a theory. What exactly is going on? The clinical ecologists have much to explain, for their observations cover a lot of environmental and medical ground. The chemical culprits in the environment include almost everything: urban air pollution, fresh paint, pesticides, perfumes, household cleaners, felt-tip pens, and tap water. These irritants produce infinitely subtle and complex effects. Lots of effects: depression, irritability, poor concentration, poor memory, fatigue, diarrhea, constipation, cramps, asthma, headaches, joint pain, pounding heart, charley horses, cancer, and the common cold.

Equally significant, however, are the symptoms *not* observed. Clinical ecology patients display no distinctive lesions on their skin, or lungs, or digestive systems. Nor do they respond systematically to any standard tests for allergy. There must be some deep, subtle factor at the edges of medical understanding, one that can be implicated in virtually all facets of human health. What could it be? The clinical ecologists gradually settled on the human immune system.

It is a convenient, perhaps inevitable choice. Beginning in the late 1970s, and accelerating rapidly in the 1980s, medical science made huge, genuine advances in its understanding of the immune system. The immune system, it turns out, consists of an army of cells and proteins, differentiated into many distinct battalions—macrophages, helper T cells, killer T cells, B cells, memory cells, and five types of antibodies. All can be counted and catalogued. The development of monoclonal antibodies, among the most subtle and advanced of biotech wonders, makes possible laboratory tests that can tag individual proteins on cell surfaces and thus allow dozens upon dozens of different measurements. And all of this arcane detail is suddenly of enormous public interest because of a single, terrifying, immune-system disease called AIDS.

So the clinical ecologists latch onto a theory perfectly matched to a public whose health concerns have been defined by Rachel Carson and the bathhouses of San Francisco. They maintain that environmental pollutants of every description can subvert the immune system in just the same way as the AIDS virus. They claim expertise in immunotoxicity, which they also label "total allergy syndrome," "20th-century disease," or—best of all—"chemically induced AIDS." The beauty of clinical ecology is its breadth. You have cancer? It's because your immune system's ability to fight off cancer has been impaired. You have nothing but the common cold? Same reason. You have unspecific minor aches and pains, backaches and headaches, problems of digestion, concentration, and excretion? Same reason. You have no symptoms at all but are gravely worried that someday you may? Well, you have reason to be worried, for a crippled immune system is a cold or a cancer just waiting to happen. You want continuous medical monitoring? Monitoring is certainly needed.

The legal implications are enormous. For a time, legal scholars had dismissed liability for chemical pollution as a "phantom remedy." It would generally be impossible, the pundits agreed, to prove any link between pollution and disease. But no one had reckoned on the clinical ecologists, or on the eroding rules of evidence that would allow them into court.

The liability revolution of the late 1960s and early '70s brought scientific controversies into the courtroom as never before in an effort to trace the causes of accidents. The drive to find the "cheapest cost avoider" for any given tort resulted in a relaxation of long-standing restrictions on the use of expert testimony. Prior to the last few decades, courts sought to strike a balance between the need to police incompetence outside the courtroom and the risk of rewarding incompetence within. Hence the *Frye* rule, based on a 1923 federal appellate court decision, required that expert testimony be founded on theories, methods, and procedures "generally accepted" as valid among other scientists in the same field. Federal courts adopted this standard, and state courts copied them.

But by 1975, when the Federal Rules of Evidence were first codified, the *Frye* rule was deemed obsolete. Expert testimony would be allowed, thenceforth, "if scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact." This change signaled the adoption of a "let it all in" approach to expert testimony. In came the clinical ecologists.

The clinical ecologists can connect anything to anything. The legal stakes rise accordingly. The economic value of a chemical pollution case depends on the number of claimants signed up. "The 'going rate' for settlements," reports Yale law professor E. Donald Elliott, "is $10,000 to $100,000 per plaintiff." Clinical ecology sucks in potential plaintiffs like some enormous, indiscriminate vacuum cleaner.

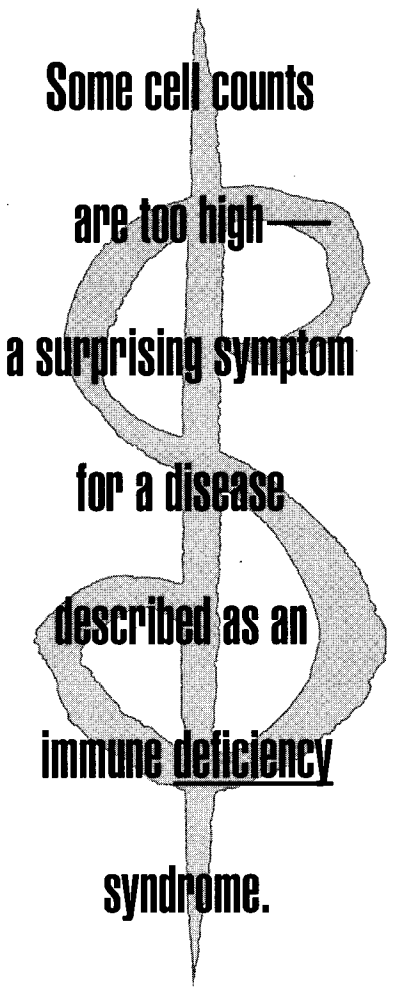
We find Bertram Carnow in Missouri, in late 1985, testifying on behalf of 32 residents of the town of Sedalia. At a nearby plant, Alcolac Inc. manufactures specialty chemicals for soaps and cosmetics. Pollution from that plant is said to have damaged the immune systems of families who lived nearby. The trial will drag on for over four months. The jury will hear from 165 witnesses. The transcript will occupy 10,000 pages.

The plaintiffs will blame Alcolac's pollution for dozens of different afflictions, spanning nerve damage and heart disease, brain damage and vomiting, kidney infections and headaches. Young women report interrupted menstrual cycles. Others declare that dogs, cats, cattle, chickens, parakeets, and bee colonies died "unaccountably and without signs of predation." Carnow has ordered exhaustive laboratory tests. He presents by-the-numbers reports of immune-cell populations of various kinds. He has identified at least one abnormality (and as many as eight) in the immune system of every single plaintiff.

Carnow is backed up by Arthur C. Zahalsky, Ph.D., who teaches immunology to nursing undergraduates at Southern Illinois University. Zahalsky never actually studied immunology in graduate school; but he does claim to have audited immunology classes at Washington University in St. Louis. In any event, he is now a big believer in measuring immune-system performance. He uses every gun in the battery of laboratory tests that have recently been developed to tag, count, and

measure immune-system cells and proteins. He runs test after test, records number after number. And then invariably finds something of deep significance in the results. The implications are always clear: Chemicals have surely undermined immunity.

In the Sedalia residents he tests, Zahalsky finds "pervasive abnormalities" everywhere he looks. Some of the cell and protein counts are too high—a surprising symptom for a disease described as an immune *deficiency* syndrome. Others are too low. In one plaintiff after the next, Zahalsky finds "a gross distortion in the ratio," an immune system "functionally wiped out" or "out of whack," "a 'severe' form of chemical AIDS," or, at the very least, "moderate immune dysfunction" certain to "develop [in]to the AIDS condition somewhere down the line." Zahalsky's prognosis, as later summarized by a court of appeals, is gloomy. "The chemicals have dampened the immune system so that the plaintiffs will become subject to a variety of diseases, neoplastic disease [cancer] included. The findings already suggest the possibility of leukemia." There isn't a normal immune system in the crowd. Not a one.



The jury is convinced. It awards $6.2 million in compensatory damages plus $43 million to punish Alcolac for its iniquity. The trial judge concurs. So does the court of appeals. Its opinion runs 371 pages of bloated prose. Cut through the periphrasis, and the appellate court's logic is simple. Chemicals can cause harm. There were chemicals at Alcolac's plant. Carnow and Zahalsky take care of the rest. Only one small reservation at the end: The AIDS metaphor, the court of appeals concludes, is just too inflammatory to be used in front of a jury. So a new trial will be ordered for the sole purpose of recalculating damages.

No, Alcolac is not a typical case. It is to tort law pretty much what the clinical ecologist is to science: an aberration, interesting because it is so peculiar. But if the clinical ecologist does not routinely deliver $49-million verdicts, he can quite often provide a fair shot at one. A busy witness can move from glory to disgrace and back to glory as fast as he can switch courtrooms.

Carnow, for example, failed to convince one court that a railroad employee's involvement in cleaning up a chemical spill caused his "multiple illnesses and diseases which have been progressive," and another court that the headaches, fatigue, heat intolerance, nausea, numbness, chest pains, and depression of another employee were caused by a liquid solvent. More often, however, Carnow delivers at least a split. For example, he was on call in the main Agent Orange case, which settled for $180 million on the eve of trial; the trial judge then ruled summarily against all remaining claims, on the ground that no serious science stood behind them.

Carnow appears again and again and again. His methods are, of course, much disputed: He uses such things as a knee-jerk test to establish general nerve disorder and a single urine sample to reveal probable bladder cancer. A physician for the defense in one case testified that "no one educated after 1950 could possibly" have relied on the tests that Carnow used to diagnose liver disease. Nevertheless, Carnow bats a pretty good average. In another Agent Orange trial: summary judgment for the defendant. Chemical spill at Times Beach: a $14.5-million settlement for two defendants, followed by jury verdict for other defendants. Another dioxin case: jury award of $58 million, overturned on appeal, settlement of $22 million.

Carnow is not, of course, the only player on the field. Other clinical ecologists come to the aid of a woman who has "suffered chemical poisoning and damage to her immune system" from formaldehyde vapors emanating from a carpet. The trial judge bars the testimony, but a court of appeals finds that clinical ecology is good enough science for Texas. Clinical ecology proves critical in keeping alive another claim brought by employees of Bridgestone/Firestone in California. Other courts in Louisiana, California again, and South Carolina all weigh in on the side of clinical ecology in worker's compensation claims. One case arrives at a $3.9-million verdict, another at $16.25 million. Other clinical ecology-backed settlements for $8 million and $19 million have been reported.

The clinical ecologists, though not always successful, routinely do manage to give the wheel a great big spin. And for repeat players, a spin is good enough. On the plaintiffs' side, there is little to lose and much to gain. The lawyers and their witnesses can be quite content if jurists remain zealously agnostic, let it all in, and wait to see just what comes out. If the judge is agnostic, clinical ecology goes to the jury. If the jury is agnostic, perhaps it will split the difference. The difference between nothing (as urged by the defendants) and everything (as urged by the clinical ecologists) may turn out to be a very large number indeed, especially when "everything" encompasses all aches and chills, constipation and cancers in a 50-mile radius in the last five years.

What do top-notch scientists from the mainstream think of all this? One among them is Stuart F. Schlossman, chief of the

Division of Tumor Immunology and Immunotherapy at the Dana-Farber Cancer Institute and professor of medicine at Harvard Medical School. Like Zahalsky, like Carnow, Schlossman studies and diagnoses the immune system. The similarity ends there. When asked about Carnow, Schlossman responds with a short chuckle and then a long sigh.

In print, however, Schlossman works with the swift, sharp precision of a surgical knife. In 1989, he published a postmortem on the *Alcolac* case in the *Toxics Law Reporter*. Day-to-day living, Schlossman explains, tests the immune system constantly, and when the immune system is really in trouble, the symptoms are plain. Real AIDS patients all suffer frequent, unusual, life-threatening infections. They are not, however, unusually susceptible to run-of-the-mill infections like colds, the flu, or bronchitis. Thus, as Schlossman points out, "if a patient has the kind of routine infections common to most people—even if he complains that he seems to develop one cold or sore throat after another—the astute physician will be able to conclude that there is nothing wrong in the immune system without needing any laboratory tests to reach that conclusion."

With the exception of Mary Landon, a 71-year-old cancer patient on chemotherapy, none of the *Alcolac* patients had suffered from any kind of recurrent infection at all. "The inquiry should therefore have stopped right there," Schlossman concludes. "Without any resulting infections, the finding of damaged immune systems—whether that damage be called 'dysfunction,' 'suppression,' 'depression,' 'total suppression,' or some of the more colorful phrases, makes no scientific sense." Only the elderly cancer patient on chemotherapy clearly did have immune-system problems.

In the great tradition of far-siders, Carnow has dodged and bobbed his way around this simple, devastating point. In his *Alcolac* testimony, he has explained away the absence of infection with what Schlossman terms the "amazing contention" that B-cell deficiencies lead to recurrent infection but T-cell deficiencies don't: "Recurrent infection is the consequence of B-cell abnormality, since the B system is that arm of the immune mechanism which relates to infections. [Linda Sanders's] abnormality, as with most of the *Alcolac* plaintiffs, was to the T cells—and they tend to relate to very specific types of infections, like tuberculosis and things like that, and they relate more to destroying cancer cells."

Here, in reply, is Schlossman: "This testimony is nothing more than scientific bamboozlement. Not only were all tests of Linda Sanders's T cells normal—and not only did she not have a 'very specific type of infection like tuberculosis and things like that' (whatever that means)—but it is utter nonsense to suggest that an abnormality of T cells does not lead to recurrent infections. One only needs to think of AIDS patients to realize that. As a result of their loss of T-helper cells, AIDS patients suffer many repeated and severe infections."

And what about the piles of laboratory tests and pages of numbers? Laboratory tests of the immune system's condition commonly produce results that vary from day to day, and from individual to individual, by 400 percent or more. There is no great significance in being on the edge here; the range of "normal" is too broad, the boundaries are too blurred. Few of the Zahalsky-Carnow tests were repeated, Schlossman points out, and of the few that were, none showed consistent abnormalities. Even the single readings presented no coherent picture of impaired immunity. Three claimed abnormalities involved trivial elevations, insignificant in themselves but in any event "clearly inconsistent with 'suppression.' " Nine other readings fell slightly below the "normal" range but were still not remotely low enough to suggest immunosuppression.

There were, finally, the monoclonal antibody tests—the tests that were so high-tech and exotic, so seemingly compelling, so tremendously significant in the eyes of Carnow and Zahalsky. Nine such tests had been used. Not one, however, had been approved for diagnostic uses by the Food and Drug Administration; all, in fact, bore warnings that they were not suitable for any diagnostic purposes. Carnow and Zahalsky used them anyway. None of the results, according to Schlossman, "even suggest a suppression in any of the plaintiffs' immune systems....[T]here was no overall pattern to the results as one would expect if the plaintiffs had all been affected by a common chemical exposure."

On one test, nine plaintiffs had results above the reference range, and four had results below the reference range. One plaintiff had a slightly elevated response to one test, and a slightly depressed response to the next, "even though those two tests are supposed to measure the same thing—total T cells." Two other tests were also supposed to measure the same thing—natural killer cells—but only one plaintiff had results out of the reference range on both.

A similar degree of confusion surrounded another antibody test, which reportedly detected 14 abnormalities. Carnow testified that one patient's results showed "immature, unprogrammed lymphocytes, probably pre-leukemic cells." Schlossman responds: "There is no monoclonal antibody yet developed which is capable of detecting 'pre-leukemic cells' in the peripheral blood." There were other errors, ranging from trivial to gross. Natural killers, Zahalsky's statements notwithstanding, are not part of the T-4 population. HNK-L, Zahalsky notwithstanding, "is by no means a helper-cell antibody." And so on down the line, as Schlossman dismantles one mumbled, misdirected, mistaken claim after another.

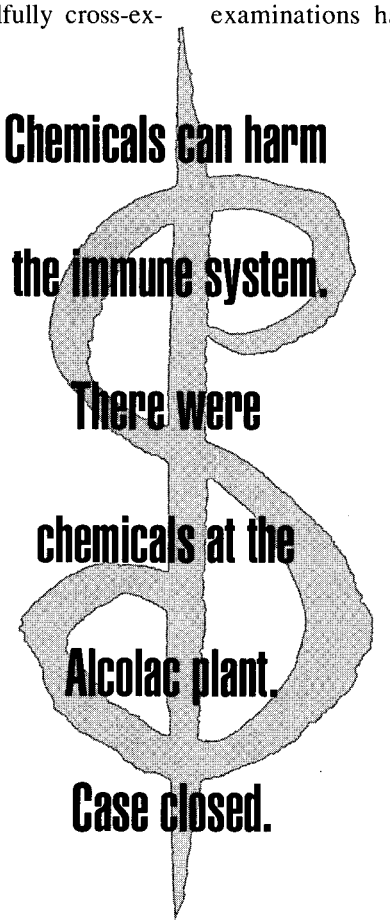
Schlossman writes with a certain quiet authority on the subject. Most of the monoclonal tests relied on by Carnow and Zahalsky had been developed by Schlossman's own research team at Harvard. Researchers in Schlossman's lab were also the first to describe the T4/T8 or helper/suppressor ratio, on which Carnow placed great emphasis. "[T]he expert testimony in *Alcolac* was not only outside the mainstream of science," Schlossman concludes, "it was outside its widest perimeter."

So if it's all so obvious, why couldn't Alcolac's lawyers convince a jury? We will never know. But we do know what convinced the appellate judges. And their reasoning, set out at exhausting length, does show how intelligent people can some-

times slide helplessly into junk science's flaccid embrace.

Alcolac's biggest mistake seems to have been to rely for its side of the scientific story on a middle-of-the-road expert, inclined (like good scientists generally) to caution and understatement: Daniel J. Stechschulte, M.D., a board-certified immunologist and internist, and director of the Division of Allergy, Clinical Immunology, and Rheumatology at the University of Kansas Medical Center.

As any competent immunologist will readily concede, chemicals can harm the immune system. Drugs used in chemotherapy and for organ transplants certainly do. Very high exposures to chemicals in industrial accidents may on occasion have similar effects, though moderate and short-lived. Stechschulte is competent, and he was skillfully cross-examined. What about the specific chemicals used at Alcolac's plant? Yes, they might in some circumstances be toxic to human cells. And to immune-system cells? Well, they could be toxic to any cells. And if plaintiffs aren't suffering from any unusual infections quite yet, mightn't those infections materialize later? Yes, disease might "be just later down the road." Meaningless concessions, because they are so sweeping and vague, but perhaps highly significant for someone who is eager to be persuaded.



The appellate judges, in any event, are persuaded. Immunologists for both sides agree that "toxic chemicals of the kind emitted by Alcolac can adversely affect the immune system." The numbers seal the verdict. What is outside the "normal" range is "abnormal." An "abnormality" is a disease—actual, incipient, prospective, or whatever, but an injury any way you slice it. No need, then, to dwell on the details, on dosages and exposure levels, on the vast differences between chemotherapeutic drugs and ambient pollution, on the vapid generality of such phrases as "can be toxic to cells." Pure oxygen or water, as any competent scientist would readily concede, "can be toxic to cells" too, but no matter. Just grab a few mildly general concessions from the defendant's side and run. The colorful confidence of a Carnow or a Zahalsky, their "completely zapped" and "chemical AIDS" diagnoses, their mind-numbing arrays of mumbo-jumbo charts, tests, and tables, overwhelm the diffidence of a serious scientist on the other side.

So the appellate judges go firmly on record—in 371 pages, no less—endorsing Zahalsky, Carnow, and the clinical-ecology movement from beginning to end. On appeal, Alcolac's brief has attacked clinical ecology as "pseudo-scientific flimflam." It's nothing of the sort, replies the appellate court. "[T]he methodology used by Carnow to arrive at diagnosis for each plaintiff here—that of differential diagnosis of risk variables and confounding factors as to each individual plaintiff—was the orthodox methodology of environmental medicine....We reject, accordingly, the Alcolac contention that the diagnostic procedure [was] a new methodology not generally accepted 'in the relevant scientific community.' "

The relevant scientific community, however, has other views. Though the clinical ecologists say otherwise, their claims have not been ignored by mainstream science. Far from it—they have been reviewed in depth. The results of such examinations have been remarkably consistent: Clinical ecology is medical fantasy, not fact.

Most tellingly, the theory finds no confirmation in studies of people who have been exposed to chemicals at levels millions of times higher than those encountered through environmental pollution. Serious epidemiologists have studied immune-system responses following high exposures to suspect chemicals after accidental spills in the United States, Italy, Japan, and Taiwan. Several of these accidents involved enormously high exposures. Serious follow-up studies tracked various aspects of the immune system for many years. As of 1987, with data going back 40 years, "there had been no published evidence of disease resulting from impaired humoral or cell-mediated immunity in the subjects studied."

A review paper thus concluded, "In light of the great excess of immunologic capacity in the human and the compensatory shifts in response to injury that are known to occur in the immune system, it is unlikely that significant irreversible damage to the immune system has occurred" as a result of any of these exposures. Good science has quite firmly established that, though scads of toxins might theoretically harm immune-system cells and proteins, only a very few, usually delivered intimately, knock out immune response while leaving no visible marks on other body systems.

In a systematic examination of 50 patients that clinical ecologists had diagnosed as sufferers, Abba I. Terr of the Stanford University Medical Center found that "[n]o pattern of symptoms emerged to define a disease or syndrome." Physical examinations proved completely normal in two out of three cases. Laboratory tests showed nothing out of the ordinary either. Thirty-one patients were found to have multiple symptoms "most likely of psychological origin....The circulating levels of immunoglobulins and lymphocytes in this subgroup of patients did not differ significantly from those in the other

two subgroups or in normal persons when the effects of prior infections were taken into account." None of the patients was "cured" by the clinical ecologists' ministrations; "in fact, the number of symptoms reported by most of these patients significantly increase after such treatment, probably reflecting increasing fear of other possible environmental hazards."

In 1984, a task force appointed by the California Medical Association conducted an independent review of the clinical-ecology literature. Clinical ecologists presented their claims and specifically identified three of the best papers in their field. Two of those papers, the task force found, failed to define the disease being diagnosed or treated and failed to use proper controls. One claimed to have used double-blind testing but, in fact, did not. One reported results that had been crudely fiddled. And so on, through the three model papers and the rest of the clinical-ecology literature. "There is no convincing evidence that supports the hypotheses on which clinical ecology is based," the task force concluded. "[C]linical ecologists have not identified specific, recognizable diseases caused by exposure to low-level environmental stressors."

A 1986 assessment of clinical ecology by the American Academy of Allergy and Immunology reached similar conclusions. "The idea that the environment is responsible for a multitude of human health problems is most appealing," it acknowledged. But there is no "satisfactory evidence to support the actual existence of 'immune system dysregulation' or maladaptation....Properly controlled studies defining objective parameters of illness, properly controlled evaluation of the treatment modalities, and appropriate patient assessment have not been done." The "diagnostic and therapeutic principles used to support the concept of clinical ecology" are "unproven." One by one, other mainstream medical journals examined clinical ecology and found no "there" there.

So what maintains the faith of the clinical ecologists and their patients? Some, especially among the patients, certainly have an eye on litigation. Terr's systematic examination of 50 consecutive patients referred for reevaluation of a clinical-ecology diagnosis found that 43 were pressing worker's compensation claims and two others were pursuing tort claims against chemical manufacturers. Only five, apparently, had no specific financial interest in being sick, and one of those was involved in child-custody litigation.

In other cases, patients undoubtedly are sick, distressingly so, but the illness is not centered in their immune systems. A 1983 paper by psychiatrist Carroll M. Brodsky describes her examination of eight clinical-ecology patients. "[M]ost have a history of overt psychiatric symptoms," Brodsky reports. "All too frequently they are seen by the same network of physicians who subscribe to clinical ecology, and their self-perception and diagnosis of 'allergic' to most substances have become an organizing principle in their lives, central to their identity and life-style."

Money surely contributes to clinical ecologists' zealotry, but it is probably not their principal incentive. What most clearly characterizes the clinical ecologists today is their activist faith. Carnow exhorts the modern physician to political action. "Whether the defense or the plaintiff wins," admits another like-minded colleague, "we're going to be much more careful in the future about the way we use toxic chemicals as a result of my involvement in toxic tort litigation, and that's my purpose in this game." Many concede, more or less directly, that faith must come before the facts. Carnow allows that "[a] heightened level of consciousness" about the links between environment and disease "is critical to considering the 'disease syndrome.' "

Anthony Z. Roisman, a plaintiff's lawyer, is just a shade more careful in his credo: "[D]o I believe that immune damage is caused by toxic chemicals for which plaintiffs can recover in court...? Believe in it? Hell, I've seen it done. I believe." That is what clinical ecology comes down to. There is no science here, but none is needed. As one mainstream student of the cult has concluded, the clinical-ecology syndrome "constitutes a belief and not a disease." Unlike his patient, or at least unlike his patient's immune system, the clinical ecologist himself is an outlier, an aberration, a living example of dysfunction and pathology. He is perfectly adapted, in other words, to modern-day testifying. He is adept at prevaricating, playing on credulity, scoring verbal points, forgetting inconvenient data, and dredging up convenient anecdotes. He has experience with persuading, for his clinical practice depends entirely on persuading patients first that they are sick, then that they have been cured. He has vast experience with conflict, for he is forever in conflict with his mainstream cousins.

He survives only by hiding and equivocating, for good science deals ruthlessly with error presented directly in the open. He is not about to be sandbagged on cross-examination, for he has survived that sort of attack countless times before. Through it all, he remains, in the words of Dr. Elliot F. Ellis, a "generally quite charming, often charismatic, reasonable-sounding physician...with a definite evangelical bent." He will be, in short, an excellent witness in court.

He will need to be. Let us visit with Bertram Carnow one last time. Yes, in court again—where else?—but this time appearing not as a witness but as a defendant. The plaintiff is one Paul L. Pratt, Esq., no stranger to courtrooms either, for Pratt is a plaintiff's lawyer and Carnow's one-time employer. According to published reports about the suit, Carnow "misrepresented to Pratt the number of times he failed the board examination in Internal Medicine and, in addition, lied under oath about it."

Pratt claims that had he known the facts, he would never have hired Carnow. Since Carnow's credibility as an expert witness is now ruined, Pratt refuses to pay $643,935.20 in outstanding promissory notes to Carnow, demands reimbursement of payments already made amounting to $1,624,596.29, and seeks over $15,000 in punitive damages. Carnow, for his part, is suing elsewhere for full payment. ◼

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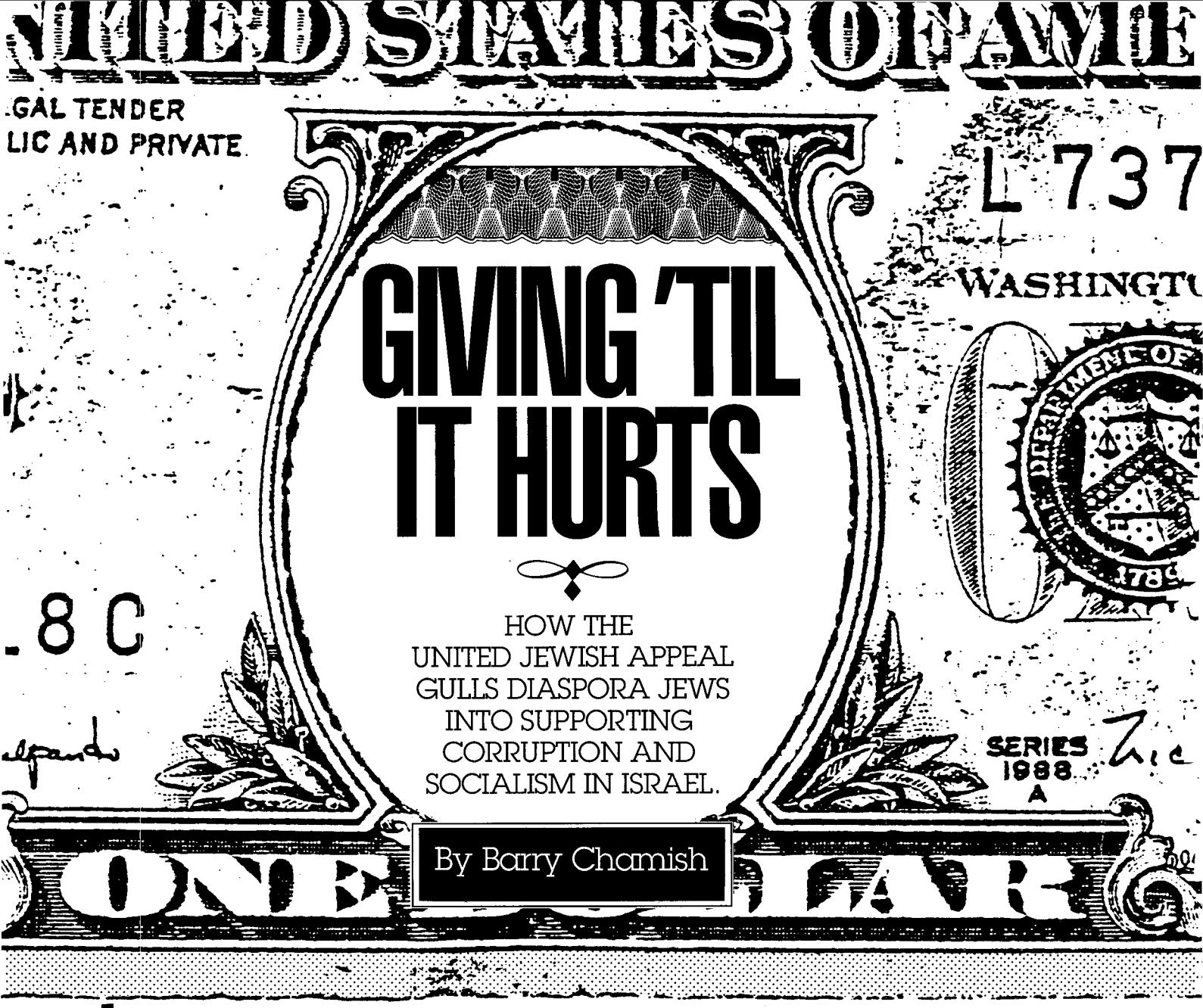


GIVING 'TIL IT HURTS

HOW THE UNITED JEWISH APPEAL GULLS DIASPORA JEWS INTO SUPPORTING CORRUPTION AND SOCIALISM IN ISRAEL.

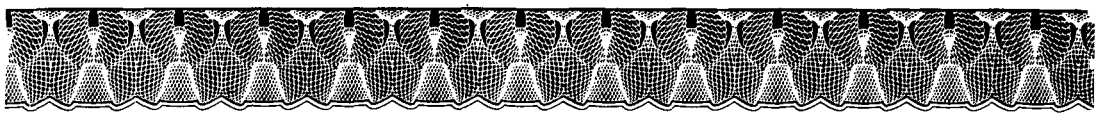
By Barry Chamish

It's Yom Kippur, the holiest day of the Jewish calendar. The synagogue is crowded with congregants, their minds focused by fasting and prayer. For several hours they've been absorbed in introspection, confessing their sins and asking forgiveness. Now it's time for another annual ritual. A speaker ascends the podium while ushers distribute envelopes to the congregation. Each envelope contains a card with tabs indicating various dollar amounts. The speaker exhorts the congregants to fold down the tabs. By doing so, they promise to donate money to the United Jewish Appeal. Their generosity won't necessarily expiate all those sins they've been cataloging. But it can't hurt.

Or can it? North American Jews contribute about half a billion dollars a year to Israel, mainly through the UJA. In late 1990 and early 1991, the organization raised $1.2 billion, capitalizing on Saddam Hussein's Scud missiles and the wave of Soviet immigration to Israel. In addition to Yom Kippur appeals, the UJA's techniques include telephone networks, pledge dinners, donor books, and special trips to Israel for big givers. The UJA's fund-raising prowess has led Carl Bakal, author of *Charity USA*, to call it "probably the most successful money-making machine in the history of philanthropy." *Nonprofit Times* reports that less than 7 percent of the UJA's budget is spent on fund raising and administrative expenses. "The UJA runs a lean operation, and its fund-raising record is spotless," writes *Wall Street Journal* reporter Cynthia Crossen.

But the UJA's reputation for effectiveness rests almost entirely on its ability to collect money. Rarely does anyone take a close look at what happens to that money once it gets to Israel, where it's filtered through a cumbersome bureaucracy that is closely tied to a socialist system. Along the way, the flow is diverted by political cronies, redundant workers, and monopolistic contractors. The trickle that finally makes its way to the intended recipients is more disappointing than the Jordan River in summertime.

The appalling inefficiency of private aid to Israel is instructive for anyone interested in helping formerly socialist countries make the transition to capitalism. Most free-market advocates recognize that government-to-government aid, such



$$$$$$$$$$$ *PRIVATE AID TO ISRAEL PROPS UP A HUGE BUREAUCRACY AND STIFLES NEEDED FREE-MARKET REFORMS.* **$$$$$$$$$$$$$$$$$$$**

as that proposed for the Soviet Union, is wasteful and counterproductive. But they may be too quick to assume that private efforts are, by contrast, sensible and cost-effective. The example of Israel shows that when private aid is distributed by a quasi-governmental body, when the money is spent in a rigidly controlled economy, and when charity comes with no strings attached, the results are every bit as disastrous as any government boondoggle.

The demeaning effects of the $1.2 billion in economic aid that Israel receives each year from the U.S. government have been well documented by several commentators. The money covers a deficit caused mostly by a repressive economic system. (See "Perestroika in the Promised Land?," October 1990.) Israel's aid addiction is prolonging badly needed free-market reforms and propping up a huge bureaucracy, making the lives of Israelis needlessly difficult.

But a comparable amount of money enters Israel through private donations, and the effects are the same: corruption, nepotism, and slothfulness. The intention of these charitable donations is to reduce poverty, but poverty continues to grow, in no small part because of too much charity.

American donors commonly believe that Israelis are poor because they spend so much on defense. The $6 billion that Israel spends each year on defense is about 20 percent of the GNP. But subtract U.S. military aid to Israel, and Israelis spend about the same per capita on defense as Americans do. The truth is that the Israeli economy is hobbled by heavy regulation, price controls, oppressive taxation, state-sanctioned monopolies, and huge trade barriers. The well-intentioned efforts of American donors perpetuate Israel's dependence on handouts, while failing to help those truly in need.

The failure can be traced largely to the quasi-governmental Jewish Agency, which distributes the money raised by the UJA and similar organizations. The Jewish Agency predates the state of Israel; it was the governing body of the Jewish community in Palestine until 1948. With an official working budget of more than $800 million, the agency manages to run a deficit every year, and the interest on its debt is covered by American philanthropy. (Moreover, the Israeli government borrows aid money from the UJA to cover *its* deficits.)

High personnel costs are one reason for the Jewish Agency's profligate spending; the organization is full of deadwood. Restrictive labor laws make firing an agency worker with tenure almost impossible, and much American money goes to feed and house redundant workers. Years ago, for example, the agency hired a general and war hero for a public-relations job. Politics in the agency changed, and he was no longer wanted. But labor rules kept him at his post, and today he runs an office with a secretary and a minimal budget. Another agency employee continues to earn a salary as an editor even though his cultural journal has ceased publication.

I once sat in a meeting with these two people in which I heard a good public-relations plan. They asked me to work for free, since no money was allotted to carry out the project.

Hundreds of agency workers are severely underemployed but nevertheless draw good salaries. More than 700 are emissaries (*shlichim*) sent to cities around the world to convince Jews to immigrate to Israel. Many are former military officers or obedient civil servants rewarded for faithful service with meaningless posts abroad. Most Jews who immigrate to Israel come from places like the Soviet Union and Ethiopia, because things are much worse there. The emissaries to Western cities are a waste of money, yet American donors to the UJA and other organizations continue to pay for them.

When my wife immigrated to Israel from Scotland, the details were arranged by an emissary in Glasgow, a city with all of 5,000 Jews. In a given year, he deals with no more than a dozen immigrants. He goes on speaking engagements to earn spare cash and costs donors to Israel tens of thousands of dollars a year in salary, rent, travel, and administrative expenses.

A friend of mine once lived with a woman whom the Jewish Agency sent to the United States to recruit immigrants. She found a microwave oven in New York that she wanted to take back to Israel, but it was out of stock. Her schedule had her ending her tour in Los Angeles and returning from there to Tel Aviv. In the middle of the trip, using her agency expense account, she flew back to New York to buy her oven. Now for every batch of microwave popcorn she makes, she can thank American donors to Israeli causes.

While some employees get perks and generous salaries for doing next to nothing, there never seems to be enough money to pay those who do the real work. Esther—who works for the agency for a paltry sum while her boss draws a huge salary, gets free use of a Volvo, and goes on twice-yearly "exploratory" trips abroad—describes a rebellion in her office. The staff demanded a pay raise. The boss said that was impossible but suggested that each worker fill out overtime forms, which he would approve. Esther says such fraud is commonplace.

Another source of waste is the misuse of money in construction projects. For the last 13 years, much of the UJA's money has been directed at a worthy experiment called Project Renewal. An American community adopts an impoverished Israeli community and raises funds to rehabilitate it. Last year, *The Jerusalem Post* sent me to cover the dedication of a $2.5-million community center in Gan Yavne built with money from Winnipeg donors.

I had previously reported on a dozen Project Renewal communities, but none was like Gan Yavne. In terms of the size of the homes and the lots they were built on, the place is little different from New Rochelle, New York. I wrote that this was

$$$$$$$$$$$$$$$$$$$$KEEPING STORIES OF CORRUPTION AND INEFFICIENCY FROM THE AMERICAN JEWISH PUBLIC IS AN OBSESSION FOR THE UJA.$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$$

the least deserving recipient of foreign aid imaginable. In retaliation, Keren HaYesod (UJA-Canada) launched a smear campaign against me. One letter to the *Post*, from a Keren HaYesod official, warned me not to set foot in Winnipeg, as if the UJA ran the town.

Project Renewal donors in Montreal also have reason to doubt that their money is being put to its best use. In 1989, former City Councilor Jeff Halper and Idelle Ross, a reporter with Israel Radio, began to wonder what was happening to the millions donated by citizens of Montreal to uplift the slums of central Jerusalem. It seemed that little was being done to improve the neighborhood. They investigated and discovered that the project's Israeli director, Dan Waxman, was drawing a salary of $120,000 annually. (The average Israeli salary is about $8,000.) The monthly rent for the project's office was $2,000. After the Israeli media publicized these facts, Project Renewal's Montreal office fired Waxman and moved the Jerusalem headquarters.

A year later, Ross was reporting for Israel TV news on the dedication of a new recreation center funded by Montreal donors. The first 15 seconds of her one-minute report were spent on a glowing official description of the good that this piece of tarmac would do for the residents of the area. The rest of the report consisted of comments from residents, who demanded to know why millions of dollars had been spent to buy so little. After the first 15 seconds aired, a sudden technical glitch wiped out the rest of the report.

The real beneficiaries of Project Renewal largess are the neighborhood administrators. In two cases I investigated in Jerusalem, the local technocrats who handled the applications from residents seeking money for renovations were closely associated with radical political groups (one actually called "the Black Panthers") and allegedly had criminal ties. A number of American communities woke up to the shenanigans and established better oversight, but others continued to naively trust the Israelis who get the checks.

Every four years, when the Jewish Agency elects its executive, American fund-raisers try to take over the organization. They argue that money is being seriously misallocated and deep reforms are needed in a hurry. But the agency is an Israeli organization, and years of political appointments make a takeover very difficult. After each failed coup, the new Israeli director fires a lot of low-level staff to prove he's serious about reform, but the executives drawing huge salaries stay in place.

Keeping stories of corruption and inefficiency from the American Jewish public is an obsession for the UJA. It maintains a firm grip on the American Jewish press by outright ownership or heavy subsidization through advertising. It plants stories in the Jewish papers about UJA activities that appeal to donors but have nothing to do with the reality in Israel.

"The Jewish press has kept American Jews totally ignorant about Israel," says Joel Bainerman, a former economics editor for *The Jerusalem Post* who frequently speaks to American audiences. "They're shocked when I explain the extent of the official corruption and even more shocked when I tell them what role American money is playing in the downfall of Israel's morality. No one has even hinted to them that there may be a relation between access to huge amounts of unearned cash and hanky-panky."

In its efforts to draw a rosy picture of Israel, the UJA finds no shortage of flacks. It pays writers well, and virtually every English-language writer in Israel has worked for the organization at one time or another. I'm no exception—I worked for the UJA in the mid-'80s for more than a year. Shale Siegel, an ex-officer who was then the UJA's editor, warned me: "Don't make the mistake of believing you're actually going to be writing. You'll arrange words the way we want them. Most writers don't last more than half a year, so don't think this is long-term employment."

I liked him, and so did most of the writers. But the sheer fabrication stabbed at the conscience so deeply that most did quit within months. One writer had her fill when, she says, "I had to quote a kid saying he wanted to grow up to be a doctor. The kid wanted to drive a bus, but that doesn't tug at the heartstrings. So I changed 'bus driver' to 'doctor' for them."

The UJA wants to depict Israel as a sort of Long Island set in the Middle East. The fact that Israel's answer to the Democrats, the Labor Party, has not won a national election in 14 years does not deter the UJA from hiring as speakers such has-beens as Abba Eban and Teddy Kollek, who are well paid for dinner engagements. Most American Jews have no idea how despised Labor Party leader Shimon Peres is in Israel, nor do they have any clue as to the scope of the corruption that brought the demise of Labor and is slowly eating away at the credibility of the ruling Likud coalition.

When a UJA group lands in Israel, it is treated to a show designed to reinforce false images. Although Sephardic music, by performers such as Ofra Chazeh, has almost totally replaced the European melodies, Americans are entertained with decades-old hora songs. Although the kibbutz movement is $4 billion in debt and some two-thirds of its young people are abandoning it, Americans are taken to a rare successful kibbutz to witness the reclaiming of the land.

On Project Renewal visits, the prettiest girls in town hand out roses, and later the townspeople, safely cordoned off from the Americans, join the dedication ceremony. Speakers, including the mayor and other politicians, mostly from Labor, express gratitude for the Americans' generosity, and then a cute children's choir performs a few songs of praise.

The UJA groups are called "missions." There are Singles' Missions, Dentists' Missions, and, my favorite, the Hollywood Artists' Mission. By the time I interviewed Jack Lemmon, he had been moved to tears by the UJA-orchestrated schmaltz. The UJA likes to take missions to an air force or army base, give them a tour or demonstration, and invite them to a lecture by a middle-level officer. The visitors leave convinced they have been privy to top-level military information.

All the inconvenient facts of Israeli life remain hidden. If money is needed to aid new Soviet immigrants, no one will find out about the bungling and political infighting that is preventing new construction to house these people. If funds are needed to upgrade housing, no one will discover that the housing is falling apart because of shoddy construction, payoffs, and inferior materials. Critical thinking is smothered, lest it ruin the big night when pledges are gathered for donations.

The big donors are invited on the President's or Prime Minister's Missions. The honored participants share dinner with Israel's president or prime minister, hear a speech, and donate. Live Aid raised $90 million from a billion music lovers. I've seen half that raised in an hour at the close of a Prime Minister's Mission.

American donors are motivated partly by a desire to contribute to Israel's well-being. But another element is prestige. Big donors become the unelected spokespeople of American Jews. They get to talk to major Israeli politicians and then get debriefed by members of Congress back home. They get interviewed on Israeli policy by the American media, which tend to equate money with expertise on Middle Eastern affairs. All this raises their status within their communities.

But American Jews have begun to recognize that they are being manipulated. The members of the missions look older each year, as younger activists become harder to find. Some projects fail. In 1990, the UJA tried to raise money to bring indigent Soviet Jews from a transit camp in Rome to the United States. These Jews held Israeli visas, though they had no intention of going to Israel. This deception was one reason very little money was raised to bring them to the United States.

Many UJA workers are not committed to Israel as such; rather, they are professional fund-raisers. A failed campaign can cost them their jobs. Yet for all the slick selling, they are not winning converts. In 1973, they raised $1 billion; in recent years, the annual average has been about half that. The old tricks are not having the results they used to.

This year saw a brief revival. The Iraqi missile attacks, combined with the wave of Soviet immigrants, pushed total revenue for 1990-91 to $1.2 billion. But not one penny that arrives in Israel will help create jobs. A lot of the money will be used to build homes for immigrants. This work will be supervised by Housing Minister Ariel Sharon, who, according to a recent state controller's report, runs a ministry loaded with high-paying but useless posts for friends and supporters.

Herman Branover, a professor of engineering at Beersheva University, estimates that 10,000 engineers and almost as many doctors will arrive from the Soviet Union this year. In order to earn a living, many of the doctors will have to be retrained in Western methods. Branover estimates that 2,000 of the engineers will bring original ideas with them that will die unless backing is found for development and the engineers are trained in Western patent and marketing methods.

Here is an area where the UJA and other philanthropic organizations could make a real difference. Until now they have built tennis courts, day-care centers, old-age homes, and the like. Opening a college for Soviet engineers might actually lead to the development of products, construction of factories, and creation of jobs. Of course, these people would wean themselves from any need for charity, and that's bad for the fund-raising business. "Charity organizations don't want people to better themselves without their help," Bainerman says. "They make Israelis apathetic, and, the worst crime of all, they feed a politico-economic system that is strangling the whole country."

But there are changes that could make American donations work. First, the UJA and anyone else associated with the Jewish Agency should divorce itself from that organization and create a completely private charity accountable to every donor. Money should not be allowed to disappear into the Israeli bureaucracy anymore.

Second, the UJA and allied organizations should sell off assets such as dental clinics, kindergartens, and nursing homes. This would raise money, and it would employ Israelis with the initiative to buy the properties. And, finally, if the UJA is really interested in immigration to Israel, providing small-business loans to prospective immigrants would be a better investment than paying unproductive emissaries. Instead of a tax-deductible Project Renewal, the UJA should establish a Project Industrial, aimed at creating real income. Donors would have to trade tax write-offs for dividends. "Whenever I lecture abroad," says Bainerman, "I tell the people the biggest favor American Jews could do for Israel is to stop giving charity and start investing in industry."

About 800 years ago, the great Jewish scholar Maimonides described eight levels of charity. The lowest, he said, is tossing a coin to a beggar. The highest is enabling the beggar to become self-reliant by finding him a job, taking him in as a partner, or lending him the capital to start his own business.

That wisdom applies to the Soviet Union and Eastern Europe as well as Israel. For socialists who want to become capitalists, the first lesson should be that capitalists do not throw money away. By investing instead of subsidizing, Americans can ensure that their money is spent according to the discipline of the marketplace, rather than the whim of a bureaucrat. Instead of being squandered, it would help create more wealth. The output—in profits, jobs, goods, and services—would be greater than the input. Investment is the kind of aid that makes recipients into donors, beggars into employers. Maimonides would have approved. ■

Barry Chamish is the author of The Fall of Israel, *which will be published in Great Britain in November.*

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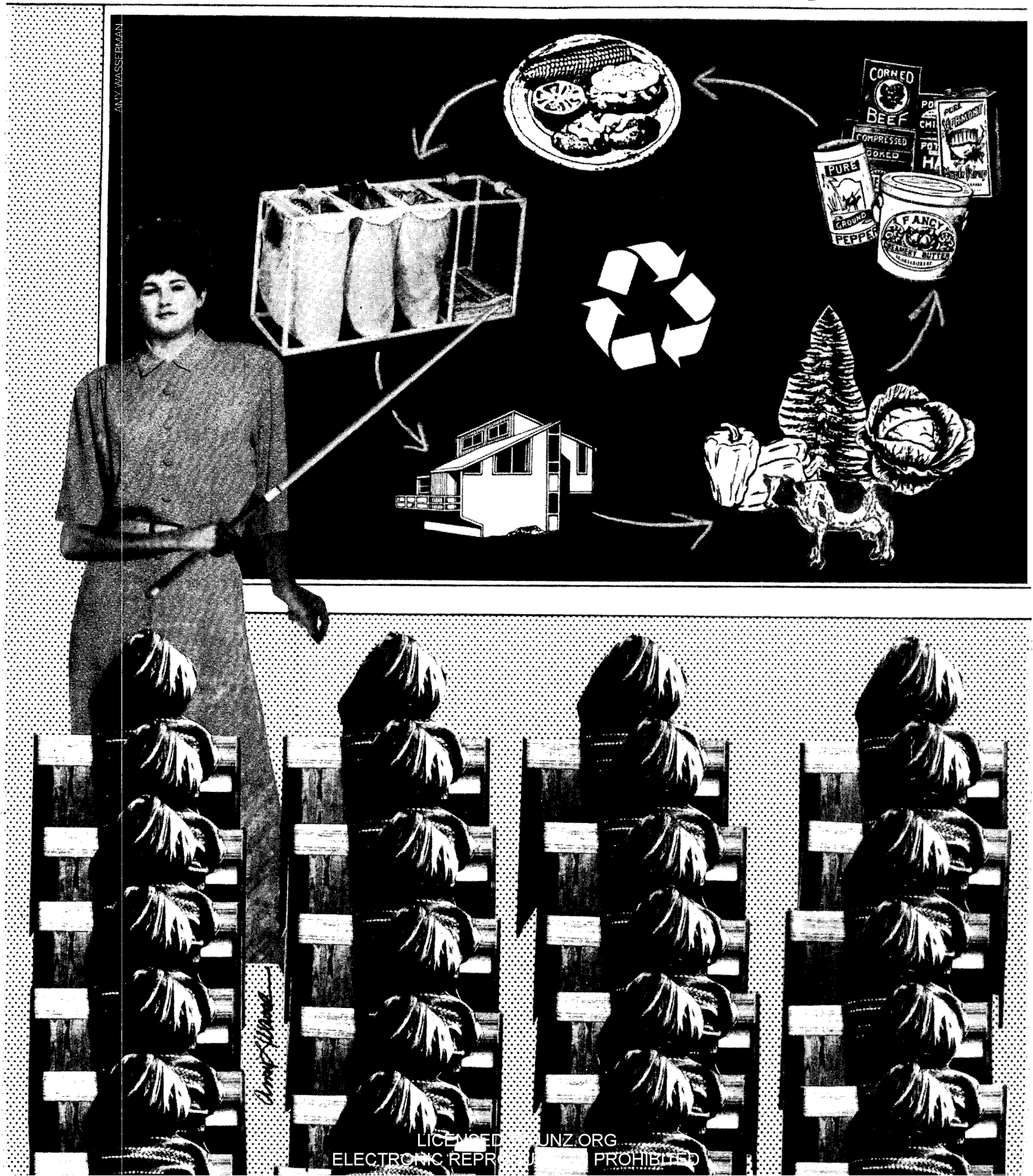

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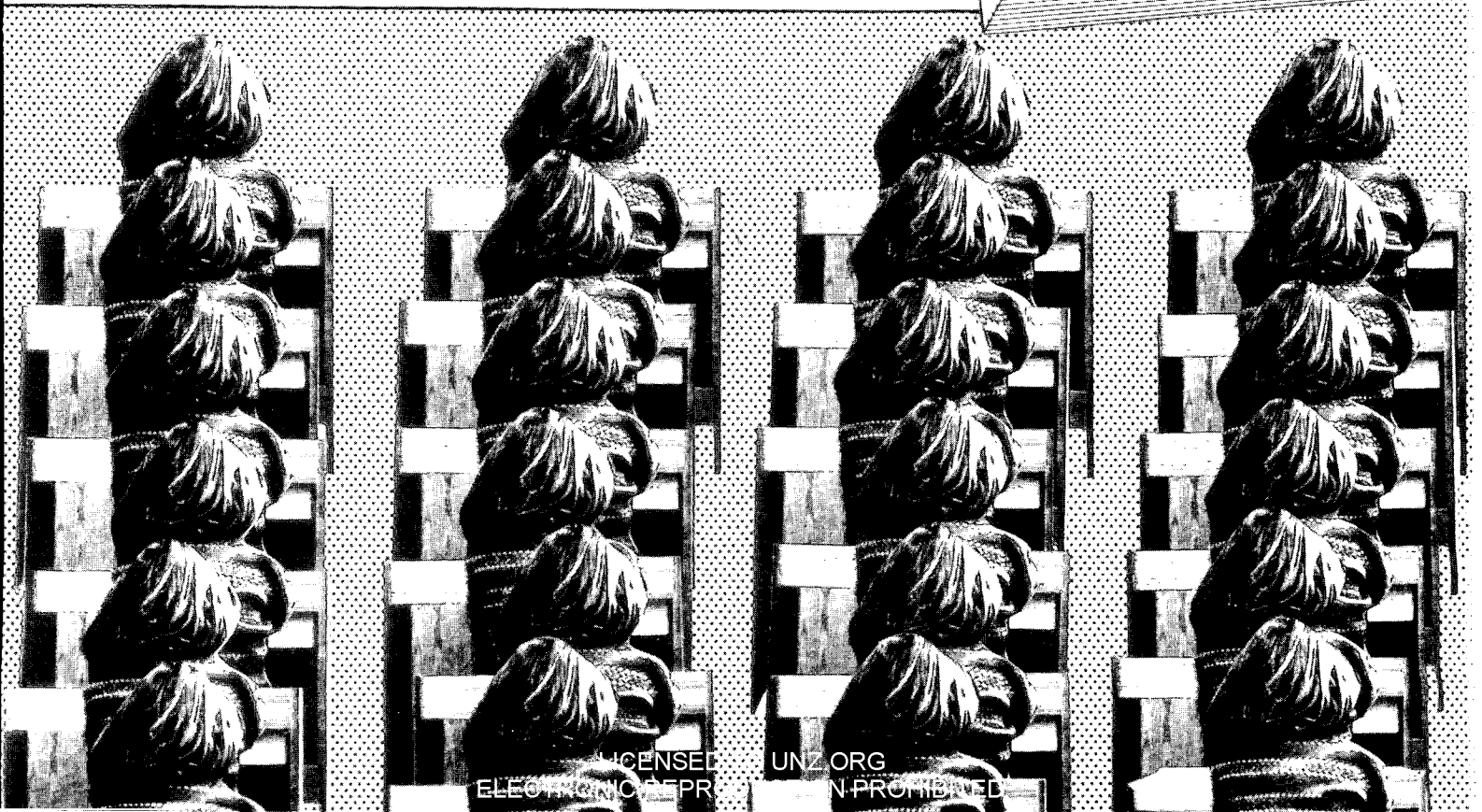
Growing Up Green.

Recycled Paper

Are schools turning our kids into eco-activists?

BY THOMAS HARVEY HOLT



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In the repentant 1990s, environmentalism is "in." Recycling, reusable shopping bags, green marketing, and cloth diapers are high fashion. Now the trend is infiltrating the primary and secondary schools, where the young generation is being taught to be "environmentally literate." Ten years ago, one unit of a social-studies or science class or one chapter of a textbook might have been dedicated to ecology. Today, entire classes and textbooks focus on the environment, and dozens of activist organizations are working to shape environmental curricula nationwide. Environmental education has become a growth industry.

The overt activism that can accompany environmental education is troubling. More subtle, but equally problematic, are the assumptions behind the enterprise: that the goal is to teach children how to make political decisions rather than to understand natural processes; that environmental problems necessarily require political (rather than individual or market) approaches; and that environmental values should be given special weight in trade-offs with jobs, health, safety, convenience, and other factors.

Unlike previous attempts at issues-oriented education—such as peace studies—environmental education seems to be taking hold, thanks to the efforts of environmental groups and the Bush administration. The Environmental Protection Agency's new Office of Environmental Education, created under legislation signed last year by President Bush, is working to "ensure that topical environmental issues are part of an environmental education curriculum."

The textbooks often impart an extremist message: that the world would be a great place if it weren't for all the humans.

A strategic plan for the office indicates that it will be taking its cues from the National Wildlife Federation and other activist organizations. The legislation creating the program requires, among other things, that the EPA annually present a "Rachel Carson Award," in honor of the author of *Silent Spring*, the 1962 book that described impending environmental catastrophe.

So far, the EPA's efforts have been more comical than worrisome. A suggested environmental vocabulary list for elementary schools distributed for Earth Day 1990 includes *anadromous fish*, *evapo-transpiration*, *eutrophication*, *carrying capacity*, and other terms of bureaucratic and scientific art. But some other activities augur ill for the future: The EPA suggests letter-writing campaigns and consumer boycotts to demonstrate concern for the environment.

As the EPA's programs suggest, environmental education includes a wide range of activities—from perfunctory field trips to nature centers, where students wander along well-worn trails, to calls to activism, in which students are organized to lobby for particular regulations. There are few formal grade-school environmental texts available, so schools and teachers generally are left to develop their own programs from press accounts of particular issues and from literature provided by environmental and conservation groups.

"There is no set curriculum," says Dan Mattson, who teaches environmental education to elementary students at the Dowling School, one of three magnet "urban environmental learning centers" in the Minneapolis Public School System. "That's part of the problem. There's an abundance of material. What we have to do is pick and choose."

The textbooks that do exist often impart an extremist message: If the population explosion doesn't deplete the world's resources and cause mass starvation, pollution and the destruction of the ozone layer will kill us all anyway. Or more simply, the world would be a great place if it weren't for all the humans.

Scott Foresman's *People on Earth: A World Geography* declares, "Every twenty-four hours more than 3,000 acres of green space are lost around this country. Every year adds up to at least a million acres....Its place is being taken by housing, schools, business, industries, roads, highways." This lament seems to assume that "green space"—which, by the way, does not mean forest land, since that's actually growing—is an unqualified good, always preferable to the places where people live, learn, work, and travel.

Then there is Harper and Row's *A People and a Nation*, a 1981 civics text still in use. It states: "Ugliness, junk, clutter and noise scream for attention. What solution is there to 'too much' of everything?...While billions were spent on the moon shot and the war in Vietnam, problems of public life mounted. The United States, like other industrial countries, was plagued by pollution of the water and the air...and by hideous graveyards of abandoned cars....Strong regulations protecting our natural resources and controlling pollution may be needed to avert a possible ecological disaster. Yet industry sees such measures as being too restrictive."

Demand for textbooks to serve these new classes is so strong that Addison-Wesley, a leading science publisher, revised a college text for high school use. *Environmental Science: A Framework for Decision Making* is in its second edition, and a third is on the way. The recurrent theme is that people and population growth threaten "the survival of human life." The text describes Communist China's forced sterilizations and

abortions as "highly successful" and "innovative" programs to control population. And while the book does present point/counterpoint sidebars on various issues, little doubt is left about which view students are supposed to adopt: "Modern industrial society as we know it cannot continue."

The works of the alarmist Worldwatch Institute's Lester Brown, described as "superb," figure prominently in suggested reading lists at the end of each chapter of *Environmental Science*. The work of market-oriented economist Julian Simon, on the other hand, is described as "an economic projection based on past trends that many critics doubt will continue."

Despite its title, *Environmental Science* places nearly as much emphasis on political action as it does on science. "You can take political actions," students are told at the end of a chapter on "Feeding the World's People." "You might challenge current policies that place military demands above agricultural and economic development....Support politicians who take a strong and sensible stand on world hunger. Write the newspapers with your informed opinions. Start or join discussion groups emphasizing the need for personal as well as widespread political changes."

And what might those changes entail? Among other things, "converting the current economic system of unlimited growth to one of steady-state economics. Government can play a major role here" because, as the text notes a few pages earlier, "redistribution would yield a more equitable sharing of resources."

Environmental Science isn't alone in its call for activism. Some texts go out of their way to incorporate demands for environmental activism into totally unrelated subjects. For example, Macmillan's *Eastern Hemisphere*, a 1990 sixth-grade social studies text, leaps in a single sentence from the Code of Hammurabi, a system of laws recorded around 1780 B.C., to the tale of a present-day environmental activist:

"The people of Mesopotamia knew that the Tigris and Euphrates rivers were valuable sources of life. As you have read, civilization flourished in 'the land between the rivers.' Even the laws of the Code of Hammurabi warned: '*If a man fails to honor the rivers, he shall not gain life from them.*' In modern times, people have often failed to remember just how important the environment is. There is, however, a senior citizen in Levittown, Pennsylvania, who reminds us of the great value of nature. His name is Ray Profitt and he is a one-man environmental hero. When Ray sees people who pollute, or dirty the environment, he does not look away." It goes on to tell how Profitt tracks down and reports polluters to the authorities.

"This sort of thing is common today in textbooks" at all grade levels, says Gilbert Sewall, president of the American Textbook Council, a private organization that reviews textbooks for accuracy and bias.

Teachers looking for techniques to teach environmental courses encounter the same messages. One popular exercise, suggested by the National Science Foundation, is "The Foolish Daughter," which begins with the story of a father who complains that $10 is too much for a weekly allowance. His daughter offers him a deal: one penny the first day, two on the second, four on the third, eight on the fourth, etc. The father, calculating that the first week's allowance would be only $1.27, agrees. This is to illustrate exponential growth. After noting that the world's population doubled between 1950 and 1987, an NSF exercise guide advises: "The population explosion is the cause of many environmental problems....These problems are examples of the limits to human growth that we must face. No amount of technological or cultural intervention can change the fact that the Earth and its resources are finite."

Again, the situation is more complex than the exercise suggests. Economists such as Julian Simon contend that the problem isn't so much excessive population growth as it is inadequate economic growth. Birth rates decline as countries become industrialized. Simon and other scholars argue that the best way to advance the welfare of "overpopulated" countries *and* to reduce the population explosion is to foster economic growth, not stifle it. But the NSF exercise omits this view. Simon also takes issue with the idea that we are in imminent danger of depleting the world's natural resources. He notes that the real prices of most raw materials have been falling during this century, repeatedly confounding predictions by limits-to-growth doomsayers.

Many of those who shape the environmental education curriculum believe that their purpose is not to weigh conflicting facts, values, and theories, but to instill a sense of crisis. "Understanding that the world is going to hell in a handbasket is half of environmental education," says Ed Clark, president of the Wildlife Center of Virginia, which tries to instill respect of animals through school assembly programs.

In a draft paper, a special National Science Teachers Association task force on environmental education suggests a three-step approach, calling for nominal, functional, and operational environmental literacy. Those buzzwords translate approximately to: general respect for nature and a gut-level knowledge of man's impact on the environment (nominal); broader knowledge of the environment, the ability to ana-

"Understanding that the world is going to hell in a handbasket is half of environmental education," says one activist.

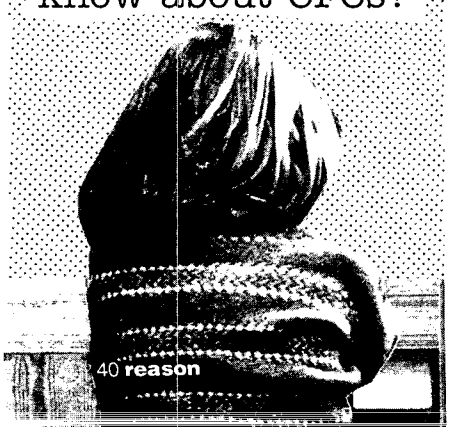
lyze environmental problems and issues on the "basis of sound evidence and personal values and ethics," communicating findings to others, and taking some remedial action on issues of particular individual concern (functional); and individual and political action (operational).

While the first two steps are arguably worthwhile, the third is nothing more than a call to get students involved in political battles, a call that will find a ready audience among at least some teachers. Indeed, some educators have already turned their classrooms into centers of activism. In an article in *The Science Teacher*, Edna Figueroa, a biology teacher at H.M. King High School in Kingsville, Texas, suggests these exercises: "Explain the environmental and health problems associated with incineration of wastes on land"; and "Prepare a bill for consideration by your state legislature that will protect a particular area of the environment your community is concerned about."

At Kenai Peninsula Borough School District in Alaska, reports *NEA Today*, sixth-grade teacher Zada Friedersdorff has had her students construct miniature "landfills" in glass bottles to observe how garbage rots. The students will submit their findings to the local landfill "in the hopes of improving garbage disposal."

"Ah! Building good protesters!" responds Sewall, of the American Textbook Council. "This is a new kind of citizenship course, isn't it? Instead of helping old ladies across the street, we go and present a bill of particulars to the local landfill operator and presumably lobby at the local level for amelioration, some kind of reform of some terrible local atrocity. I don't mean to be facetious, but I think environmental education does just fine when it sticks to applied science and descriptive analysis of some of the major problems."

KIDS S.T.O.P. is working to save the planet from ozone depletion. But what do second-graders know about CFCs?



Nor do the young lobbyists stick to local issues. Second-graders at P.S. 174 in Rego Park, Queens, New York, founded the national KIDS Save The Ozone Project (S.T.O.P.). "They are working to 'save the planet' from the deadly effects of ozone depletion caused by continuing release of chlorofluorocarbons, or CFCs, into the atmosphere," reports *Science Scope*, a publication of the NSTA. "The children are supporting federal and city legislation that will prohibit the release of CFCs. They have created a KIDS S.T.O.P. Starter Kit for teachers or students...which includes blank petitions, personal letters, pledges and a list of suggested projects."

"Now what the hell does a second-grader know about chlorofluorocarbons?" asks Jack Padalino, president of the Pocono Environmental Education Center and chairman of the NSTA task force. There's a difference, says Padalino, "between an environmentalist and an educator. An environmentalist is an advocate....But the people in schools should be environmental educators presenting the balanced view, nonadvocacy."

In fact, many educators do try to be fair. When Bev Jones's son Tony told her that Earth First! had made a presentation to his fourth-grade class in Blue River, Oregon, she became quite upset. His father is a timberman who has little affection for an organization that allegedly spikes trees. After Mrs. Jones called the principal to discuss the matter, however, the school agreed to allow a presentation by an industry group.

But the difference between activism and education is often subtle. It involves more than allowing competing interest groups to present their wares. And political action can find its way into much environmental education—even the fairest and most evenhanded.

Consider the way Mary Boeni teaches her elective course "Science, Technology, and Society" to juniors and seniors at Springfield High School in Springfield Delco, Pennsylvania. She tries to present students with a balanced view of environmental issues. "I call it the PMI breakdown—the Plus, Minus, Interesting or Unresolved. And with that, we look at known facts, good points, bad points, and information that we have and 'what are we going to do with it?' "

Using the Socratic method, Boeni gets students to list what they see as the pluses and minuses of, say, nuclear power. Low air-pollution emissions might be a plus for nuclear power, and waste disposal and the "fear factor" might be minuses. She sometimes breaks the class into groups, which must list the pros and cons of some project—a trash-to-energy plant, for instance—and arrive at a unanimous "go" or "no-go" decision. The class-as-collective approach suggests that these consensus processes are how decision making works, or ought to work, in the real world. While particular solutions to environmental problems may be challenged, this approach leaves children with the impression that most environmental problems should be solved by the political process. The course would be improved by making this assumption explicit and examining it.

"If I had my druthers, there would be kids writing legislators saying do this, and there would be kids writing legislators saying do that," says Joe Premo, Minneapolis's coordinator of elementary science education. "If I've done my job, I would expect kids to come up with different points of view. And they might take political action on a variety of points of view."

Premo's main concern is that teachers should not use their positions to push their own viewpoints: "I think getting first-

graders to picket city hall is probably not appropriate," he says. "That tends to be using kids for adult agendas." But he does promote political action, especially by older students. "I think getting them involved in accessing the political system is a logical extension of what you are doing." The problem is that by stressing activism as a solution to environmental problems, educators implicitly urge their students to get involved in green politics.

And not everyone is as evenhanded as Premo or Boeni. Some teachers get upset when kids make individual decisions about environmental issues—especially when those decisions involve concrete actions. Unlike nuclear energy or endangered species, recycling is something students can control themselves. And most teachers seem to have taken a cue from Wilford Brimley and presented recycling as "the right thing to do."

Deborah Rubinstein's eighth-grade class at South Milwaukee Junior High School conducted a newspaper-recycling lab as part of the Earth Day 1990 celebration. The students made recycled paper "to model the process that reclaims the waste paper that we hope their families will save and take to recycling centers." More common are school recycling clubs and other programs that encourage students to recycle newspapers, glass bottles, and aluminum cans.

Such programs don't always consider such messy details as the toxic sludge produced by deinking newspapers or the high energy costs of driving old bottles to glass-recycling plants. And they present recycling not as one choice among many but as a requirement of good citizenship—and perhaps of the class itself.

Take the Los Angeles boy who announced to his parents that henceforth he wanted his lunch packed in reusable Tupperware-style containers; he cited plastic sandwich bags and juice boxes as especially wasteful. His father pointed out that there are disadvantages to reusable packaging. A juice container might spill, but a juice box couldn't be opened until lunch. And besides, he told the boy, come disposal time a plastic bag takes up very little space, while a plastic container may not crush so well when it's eventually thrown out.

After reconsidering the options, the boy took his lunch to school the next day in the usual manner—sandwiches in plastic bags, juice in a box, and so on. When the teacher wanted to know why he hadn't followed her suggestions, he recounted the conversation with his father. When the father went to pick up the boy that afternoon, the teacher told him, "I heard what you told [your son]. I really wish you wouldn't interfere. We're trying to make the children more environmentally sensitive."

The father explained that he thought the way his son's lunch was packed was in fact environmentally sensitive and that the teacher's facts about juice boxes and lunch bags were wrong.

"That may well be," she said. "But it's what we are teaching them, and I wish you wouldn't interfere."

"It was actually rather amusing," says the man. "She thought that it was better to do that which appears to be environmentally sensitive than that which really is."

It's possible to teach about the environment without indoctrinating students into eco-activism. For younger students, schools can teach how sewage treatment plants work, what is involved in recycling, and how ecosystems work. They can, in short, teach science rather than public policy.

High-school students, on the other hand, can grapple with some of the public policy implications of environmental controversies. Teachers should deal with all of the important questions: Does a problem exist? If so, how should we decide on how to deal with it? And are the cures more costly than the disease? Gilbert Sewall suggests a debate format. "Not a loaded debate, where everyone knows there is a right answer, but a kind of 'according to this view *x*, and according to that view *y*, and some people weigh in with *z*.'"

Joe Premo's Dowling School tries an approach similar to the one suggested by Sewall. For instance, the school often asks an architect "to talk about how to do building, what materials to use and all that. And each of those kinds of decisions is a trade-off—you need strength, you need durability, you need to worry about pollution, will it ever decay—the whole recycling business is a very important part of this particular school. We have to trade off convenience for pollution. Do we want to do that, and what are some other options that we have?"

Premo's approach suggests that environmental education can be taught impartially. But too often, environmental education, unlike history or mathematics, leads to some form of action, whether it be petitioning state legislators or choosing to recycle. That's the unstated goal of many teachers, even some of the best ones. "You want to have people exhibit behaviors that guarantee that the environment is going to be here, an environment that's healthful and healing," says Jack Padalino. "That's ultimately what it is about."

Thomas Harvey Holt is assistant editorial page editor of the Richmond Times-Dispatch.

Most teachers, taking a cue from Wilford Brimley, present recycling as "the right thing to do" —a requirement of good citizenship.

SUSAN LAPIDES

CHOICE CHALLENGES

Opposition to public-school choice is fading, but daunting obstacles await those who support more substantive reforms.

BY JOHN HOOD

It seems like a dream come true. To longtime advocates of competition in American education, the much-publicized adoption of Polly Williams's voucher plan in Milwaukee and the release earlier this year of President Bush's choice-driven education strategy seem to form the crest of a long-awaited wave of reform, soon to crash through the rickety edifice of the public-education establishment. New Secretary of Education Lamar Alexander and Deputy Secretary David Kearns are strongly pitching a parental-choice program encompassing private and religious schools, using terminology cribbed from *Politics, Markets, and America's Schools*, a highly praised choice manifesto by John Chubb and Terry Moe. And state and local policy makers are enacting new programs, with varying degrees of early success and acclaim, to give parents choices among publicly funded schools.

But judging the size and power of an approaching wave is often difficult at long distances. You have to be close to it. That's why it's important for us not to drown in the homilies and hype surrounding choice, and not to ignore the still-powerful undercurrent of opposition beneath the surface. The adoption of truly meaningful reforms isn't guaranteed. It requires a calm and honest assessment of the choice experiments to date and a realistic view of the political and legal obstacles that lie ahead.

Teachers' unions and other groups with a vested interest in the current system wield tremendous power in state legislatures and local school politics. Their lawyers have a number of weapons to employ, from questions about resegregation to constitutional challenges to state aid for religious schools. And the general public, while favoring the concept of choice in education, is still largely unfamiliar with the specifics of voucher plans. Their support is broad but not deep.

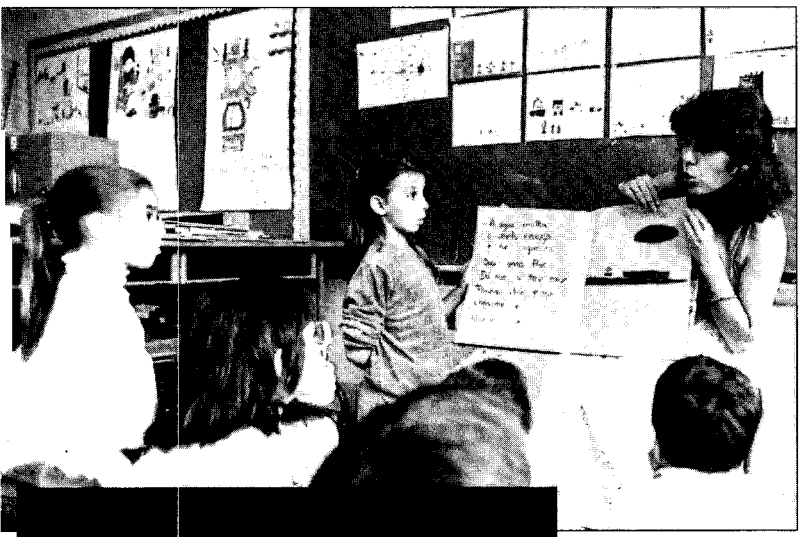
Even given these caveats, advocates of choice can triumph—but not all at once, like a crashing wave. Instead, they will need to work gradually, eroding the education establishment's own power base and letting news of choice's early successes trickle down further into the public consciousness. They need to examine the practical, legal, and political obstacles to choice, and determine ways to overcome them. And they need to make allies among educators, business leaders, politicians, and power brokers in both parties, and the news media. If choice advocates go too far, too fast, their reforms—vital to educational improvement and therefore to America's future—could fail.

So far, most choice programs have been limited to public schools, with competition further restricted by bureaucratic barriers. The momentum to establish such "controlled-choice" programs is growing. In Massachusetts, for example, a statewide public-school choice plan proposed by new Gov. William Weld passed the legislature in early 1991, with the crucial backing of State Senate President William Bulger and other Democrats. In Michigan, bills authorizing intradistrict choice among public schools and experiments with interdistrict choice made it out of the education committee in the state Senate, although they ultimately failed on the floor. And influential Democratic politicians, from Chicago Mayor Richard Daley to Arkansas Gov. (and potential presidential candidate) Bill Clinton have endorsed school choice in varying forms.

One reason for the popularity of public-school choice initiatives is the record of a few long-term choice experiments. These programs give advocates successes they can point to—examples of systems that, while far from perfect, offer a better education, more freedom, and greater flexibility than the typical no-choice public-school system.

One of the oldest public-school choice programs is in Cambridge, Massachusetts, a city of 100,000 located across the Charles River from Boston. Under court orders to desegregate its schools, the city phased in a choice plan over three years, beginning in 1979, as an alternative to the busing that ripped Boston apart. Without the choice plan, it seems

likely that the school system, which still operates under cumbersome court decrees, would have exploded long ago. Certainly many observers believe the choice system has helped the city avoid at least the *magnitude* of white flight and school decay that occurred next door in Boston. Chubb and Moe report that in 1987, after six years of controlled choice, 89 percent of new elementary students in the district were enrolled in the public system, compared with 78 percent in 1979.



Many Cambridge parents send their children to one of the system's bilingual schools.

In Cambridge, elementary and middle schools compete for students (with considerable bureaucratic intervention), and several different programs operate within the city's single public high school. Parents select at least three elementary schools for their child, ranked in order of preference. The school system's student assignment officer then takes those preferences and evaluates their compatibility with racial balance, available space, and other controls. The system is far from a true market, since unpopular schools don't close down and popular schools don't expand to reflect demand. But, according to Cambridge officials, 87 percent of kindergarteners entering the system receive their first choice.

Cambridge's schools of choice divide into "traditional" and "alternative" camps, with some programs unique to Cambridge. For example, the K-3 Maynard School, formerly considered undesirable by many parents, became one of the most popular schools in the district by starting the "Amigos" program, in which students speak English half of the day and Spanish the other half. The program is a favorite of Cambridge's middle- and upper-middle-class white parents, many of whom are employed at nearby Harvard University or the Massachusetts Institute of Technology.

But what about the city's less privileged population? A major objection to choice, even controlled choice among public schools, has been that poor parents aren't knowledgeable or responsible enough to make good choices for their children. Cambridge takes this objection very seriously. It operates a Parent Information Center to provide information packets and to answer questions about school choices. The system also employs 13 parent-liaison officers and a number of part-time and volunteer people (speaking every major language in the city) to serve as intermediaries between parents and the school system.

"It takes a conscious, active effort on our part" to provide all parents the information they need, says the system's parent coordinator, Margaret Gallagher. She and other officials visit Head Start centers and public housing projects, mail information, and make phone calls to parents to tell them about school choice and remind them of deadlines. "Poor parents are often overwhelmed by school choice," she says.

More educated or affluent parents may ask about a school's teaching style, atmosphere, or past performance, says Gallagher, but low-income parents seem most concerned about how far the school is from their home or whether their children will fit in with other students who may be better dressed, better fed, and generally better off. Of course, most schools don't differ that much from one another, at least within the "alternative" or "traditional" categories.

Cambridge's parent information efforts provide its critics with plenty of ammunition with which to snipe at the "controlled-choice" approach. Most recently Abigail Thernstrom, an adjunct associate professor of education at Boston University, evaluated the Cambridge system in a report on school choice in Massachusetts for the Boston-based Pioneer Institute. She specifically criticized parent information centers in Cambridge and other Massachusetts school systems for advancing the school system's interests over those of parents and for over-selling their success at informing disadvantaged parents.

"Parent information centers too often steer parents into those schools that have room for members of the racial or ethnic group to which they belong," she reported. "Often those will be the schools with space precisely because they are regarded as problem institutions."

Thernstrom also questioned the entire effort. Low-income parents, she wrote, are by definition poorly educated and disciplined—otherwise, why should they be in their present predicament? More important, it's inherently difficult to tell schools apart by just hearing about them or visiting them once or twice. "Schools are not quite like a grocery store in which products can be easily compared," she contended.

Although she stretches the argument a bit too far (suggesting, for example, that teaching styles and classroom environment, qualities parents value and officials can explain, aren't really part of a school's educational mission), Thernstrom does raise some important questions about the capabilities of both parents and information officers in a choice system. Printed materials on Cambridge's schools of choice are bland and

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pointlessly repetitive. Most school descriptions use the same phrases and codewords to describe their programs—such as "developmental" education, "diversity," "individual needs," "mutual participation"—and provide little useful information with which to choose among schools.

Furthermore, the perfect marketplace for educational quality envisioned by some simply doesn't exist in Cambridge. Gallagher told me that most parents, regardless of education or socioeconomic class, don't put much of a premium on finding out the test scores or other qualitative measures associated with each school. "The schools with the highest test scores are the conservative, traditional ones," she says, "but most of the population is liberal and likes the open school." While it's difficult to attribute performance to any factor, including whether a school is traditional or open, the fact is that Cambridge parents—and, if inflection and emphasis is any guide, school administrators such as Gallagher—don't seem to evaluate schools by results, formally understood, though that has been one of the promises of choice proponents.

Still, this proposition doesn't suggest that even this limited market for education is destined to fail. To point out that regulated markets—or markets in general—are imperfect is not to say they aren't superior to alternatives. While parent information centers and other formal mechanisms for promoting informed choice may have limited effects, the most important source of information is word of mouth—how neighbors' kids did at a given school or later in high school or college. Over time, parents will gravitate to schools that produce successful students.

We already have a model for how this informal selection process might work: private schools. They don't just attract parents who understand educational terminology and the theories of Montessori or who scrutinize school reading lists to make sure the classics are included. They rely on reputation, neighbors recommending neighbors, etc. Having some parents who know what they're doing is probably enough. Just as consumers who can intelligently compare cars or computers drive the market toward quality, benefiting car or computer buyers (like me) who have no idea what they're doing, so also might parents, operating without perfect information or expertise, still be able to demand quality in education. One proof of this is that a large number of poor parents are able to name the best public or private schools in their communities, at least as measured by the success of those schools' students. They just can't afford to move into the right district or pay the tuition necessary to get their own child into them.

The record in Cambridge suggests that 1) the system implemented public-school choice mostly to avoid takeover by the courts on racial-balance grounds; 2) the public schools didn't fall apart, and, on the contrary, choice-driven improvement may have prevented further white flight; 3) formal and informal measures of school performance have improved (achievement scores are up, and parents, students, and staff seem excited about their schools); and 4) parents seem at least mildly capable of finding a school they believe will serve their children well, and they will send their children to schools outside their neighborhood if necessary. More than 40 percent of parents chose non-neighborhood schools last year.

But the Cambridge experience also holds some lessons about the limits of controlled choice among public schools: The current alternatives aren't very different from one another and must operate under many uniform regulations, from racial balance to class-size limits, which may impede rather than advance student learning. Rigid racial quotas, for instance, often hurt minority students by keeping them out of a successful school in their neighborhoods because of the need to attract more whites.

Most of the shortcomings are hardly a secret, however, and the fame of Cambridge's system doesn't seem to have led to complacency. According to David Thompson, a parent of a Cambridge second-grader, the main complaint about the choice plan among parents is that there isn't enough choice. "There's a groundswell within the parental community," he recently told the *Christian Science Monitor*, "to provide more curriculum choices."

One way to provide more choices to parents would be to expand government-funded choice plans to include private and religiously affiliated schools. Vouchers (known now by the more politically astute term *scholarships*) and tuition tax relief are two mechanisms for accomplishing this. But these ideas, with all their promise, represent a significant qualitative change in choice, one that many public-school choice supporters are loathe to embrace. Consequently, while public-school choice plans have passed in many jurisdictions with minimal legal fallout, the few pioneers of broader choice have found themselves the targets of lawsuits alleging misuse of public funds, violation of the separation of church and state, and other serious illegalities.

The most prominent choice experiment involving private schools is the Milwaukee Parental Choice Program, proposed by state Rep. Polly Williams and passed in the Wisconsin legislature with strong support from Gov. Tommy Thompson. In 1990-91, the plan gave vouchers of $2,500 each to 259 participating students, all from low-income, inner-city families, who attended one of six private schools in the city eligible for the program. Next year a new school, Milwaukee Montessori, will enter the program, and a total of 546 slots in private schools will be available to eligible students—assuming, of course, that the state Supreme Court overturns an appeals court ruling that the plan is unconstitutional because it was passed as a last-minute amendment to the budget. (The Wisconsin constitution requires that local bills be passed separately by the legislature.)

Opponents of the choice plan, such as state Superintendent of Public Instruction Herbert Grover, welcomed the news that the Supreme Court would review the case. They want the plan

struck down on more substantive grounds—such as educational inequity. Grover calls the Milwaukee plan "educational Darwinism." He triggered a countersuit by parents of choice students when he tried to apply state regulations concerning special education and teacher certification to the participating private schools, arguing that without such regulations students would be unprotected. He also says that the choice plan would cause the best students to abandon public education.

Participants in the choice plan challenge this assumption. Sister Callista Robinson, principal of the Harambee Community School, which will take 180 choice students next year, says that while critics feared the private schools would skim off the cream of the student crop, "what we got were some very good students, some poor, and some average."

Defending the Milwaukee experiment in court is Clint Bolick, vice president of the Institute for Justice in Washington, D.C., a public-interest law firm promoting private property and individual rights. Bolick says that U.S. Supreme Court cases have established some criteria for choice plans that, if met, should guarantee that they will survive challenge in federal court: A choice program can't discriminate in favor of religious schools; state aid must go to parents, to be spent at their discretion at schools they choose; and the program can't create a permanent and pervasive state influence in religious schools.

State constitutions and laws present other obstacles. Bolick points to the Milwaukee case as proof that "the battle for choice programs will not be easy." The education establishment will devote enormous resources to challenge choice programs in court, often on technicalities.

In the low mountains of central New Hampshire, about 10 miles east of the state capital of Concord, the small town of Epsom (population 2,800) has become an important test case in the legal battle for broad school choice. Last December, the town's Board of Selectmen approved a "property tax abatement" plan worth up to $1,000 for parents or "sponsors" who send their children to a high school other than the nearby public school, Pembroke Academy, including private or religious schools.

The Epsom plan, says Bolick, "has tremendous potential significance for New Hampshire and the United States." Because it was drafted and passed by a town rather than a state legislature, he notes, the Epsom model could be duplicated in other states with similar tax-abatement or tax-credit laws.

Jack Kelleher, an Epsom resident and until recently a member of its Board of Selectmen, first came up with the tax abatement idea in 1982. At the time, hardly anyone else supported the idea. "You would have thought I had the plague," he says. But Kelleher persisted, arguing that an abatement plan would save the town money, because the cost of sending a student to Pembroke is much higher than $1,000. In fact, Epsom pays "tuition" of $4,600 to the high school in neighboring Pembroke for each Epsom student who attends the school.

Eventually, other board members and town residents came around, and Kelleher and other choice proponents drafted a plan. Expecting a legal challenge, the Epsom choice coalition asked the New Hampshire Revenue Administration and attorney general about the legality of their plan. The coalition received no objections. Kelleher says the plan is particularly suited to New Hampshire, which has given local governments broad powers to grant tax abatements for public purposes. "In New Hampshire, tax abatements have been granted for everything under the sun," he says, such as encouraging business development or helping a taxpayer with sudden financial woes.

Before going through with the plan, however, the Epsom board signed a contract with Bolick to give the town legal representation; the town's legal budget of $15,000 wouldn't be enough in case of a lawsuit by the deep-pocket organizations that oppose choice. By January, the board had approved 12 abatements for Epsom students attending schools other than Pembroke. And, sure enough, in March, Epsom was sued by the American Civil Liberties Union and the Epsom School Board, represented by the New Hampshire School Board Association. Among the charges against the plan are that it violates the constitutional separation of church and state and that it discriminates against residents who do not own property.

The battle over Epsom's tax-abatement plan demonstrates how important clearing every legal hurdle, no matter how superficially innocuous, can be. To qualify as an abatement, for instance, the tax break must be given on a case-by-case basis, not as an entitlement. Otherwise, it would be a tax credit, something towns cannot grant as easily. So along with their more ambitious constitutional challenges, opponents are trying to pin the "tax credit" label on the plan.

Bolick gives the antichoice suit a 50-50 chance at trial and expects an appeal to the state Supreme Court. The trial should be over by mid-September. The Epsom case, like the Milwaukee one, illustrates what challenges lie beyond the relative safety of "controlled choice." In most states and localities, the path to private-school choice will almost invariably pass through the courtroom.

Before choice plans are adjudicated, however, they must first be passed by state legislatures, local boards, or, in some places, voters by initiative. The elements of the education establishment who oppose choice, particularly when it encompasses private or religious schools, are at least as powerful in these political arenas as they are in the courts.

In New Hampshire, opponents of a state voucher plan sponsored by former U.S. senator and now state Sen. Gordon Humphrey banished it to a study committee until 1993. "We desperately need choice in education to spur excellence," Humphrey told the Senate. But citing constitutional questions and the possibility of "eroding the public school system," a majority

of senators killed the proposal. The state teachers' union and commissioner of education had strongly opposed the bill. This pattern has recurred in a number of statehouses where broad school-choice plans have been introduced.

Some of the major players in choice debates across the country include:

The Education Establishment. Teachers' unions, associations of principals and administrators, and even parent-teacher associations (PTAs) are the most reliable and vocal opponents of choice reforms, whether they are broadly or narrowly drafted. The most frequent argument these groups make against such plans is that they would foster segregation by race, socioeconomic class, and student ability. They also say that "universal public education" must mean state control and provision of that education, in order to promote cultural affinity and democratic values; on this point, they have some moderate-to-conservative allies who view choice warily as a new force for educational "Balkanization." And the education establishment plays up the possibility that, under broader choice plans encompassing private schools, state money would fund religious kooks or fly-by-night operators.

Setting aside these rhetorical points, the education establishment is the most vocal opponent of choice because it has the most to lose. Controlled choice among public schools may not pose a serious threat to teachers' and administrators' jobs, but it makes people nervous. Pressure from parents to expand curriculum offerings tends to rock the boat, and mediocre teachers (who, virtually by definition, make up the bulk of union membership) are afraid of falling out.

State aid for students attending private schools threatens the establishment more directly. If money travels with the student, letting someone transfer to a private school means a smaller budget for the public school. By bringing independent workplaces into the system, broad choice breaks up the union monopoly on teacher supply. And competition challenges calls for higher pay, smaller classes, and other perks—if private schools get by with less and do more, why can't public schools?

This "vested interest" explanation, though valid, shouldn't be overemphasized. Most leaders of the education establishment are *ideologically* opposed to an education market. They see public education as a segment of government-provided infrastructure, to which market competition does not and should not apply. Fundamentally, many are uncomfortable with parents exercising judgment over what their children will learn, because they believe a universal public-education curriculum is the primary force holding the country's diverse racial and ethnic groups together. They differ with antichoice conservatives only over the optimal content of that curriculum, not its role. (Both groups seem to have overlooked a vastly more important force that unifies disparate cultures in one country: popular culture.)

Leaders of teachers' and state-employee unions have powerful weapons to translate this ideology into power: They are a significant source of volunteers and PAC contributions to local and state politicians, and they can organize marches, rallies, and other events to get on the evening news. But it's important to recognize that the leaders of the establishment don't speak for all public educators. The current bureaucratic system hurts many public-school teachers, especially the most innovative and successful ones, because rewards are unrelated to their efforts. In Chicago and many other failed urban systems, most teachers either send their children to private schools or would do so if they could afford to.

Even some principals and district and state administrators support choice, or at least have begun to soften their position against it. Dale Jensen, executive director of the Minnesota Association of School Administrators, was a vocal critic of that state's public-school choice experiments, particularly its interdistrict transfer program. Now he's not so sure. Most forecasts of dire consequences from choice have been proven wrong by four years of operation, he said in a recent interview. Worst-case predictions like the one that Minnesota students would switch schools to get into good hockey or other sports programs didn't really materialize. "If one wants to be honest, that was probably going on before, where a parent with a 6-foot-10 son was offered a job in a community," he said.

The News Media. Once an important source of opposition to choice, many of the country's largest newspapers, including *The Washington Post* and the *Los Angeles Times*, have endorsed the concept—though they still draw a clear line between public-school choice (good) and vouchers/tuition tax credits (bad). In Wisconsin, the *Milwaukee Journal* and *Milwaukee Sentinel* have opposed Polly Williams's voucher plan, while out-of-state media and the black-owned *Milwaukee Community Journal* have supported it. Reporters on education beats in many cities are more informed about choice issues than they were a few years ago. They ask tougher questions of choice opponents than they used to and treat choice proponents as serious reformers rather than extremists.

Civil-Rights Groups. While most national civil-rights organizations oppose choice as segregation in disguise, local minority groups and political organizations are a more diverse lot. In Milwaukee, blacks are the primary beneficiaries of the voucher plan and its most eloquent defenders. Given the history of many controlled-choice reforms as first-and-foremost desegregation plans, they often enjoy more support among minorities than they do among local white liberals. In fact, public opinion surveys confound the national civil-rights establishment by finding greater support for parental choice among minorities (59 percent in a recent NBC/*Wall Street Journal* poll) than in the general population.

The most persuasive argument for minorities appears to be the fairness one: that wealthy, mostly white families already enjoy parental choice because they can move to the best school district or can afford private schools. Choice plans, especially vouchers, offer poor and minority families the prospect of having that power, too. Trying to counter the rhetorical appeal of this argument, choice opponents have increasingly empha-

sized their contention that private schools would have the real choice in a voucher system by using formal and informal means to select their students. This argument, however, makes the all-too-common mistake of assuming that the expensive, selective prep school typifies American private education, when in reality that category comprises a diverse range of schools.

Business Groups. Although you might expect business leaders to be a major source of support for market-based reform, until recently they have been co-opted by the education establishment. Public-school leaders and their allies have used "adopt-a-school" and other partnerships with businesses to cultivate political contacts. They have, in many cases, persuaded business leaders that the American education system is failing because of resources and reach (suggesting more money and expanded preschool programs as remedies) rather than because of flaws in the system itself.

As a result, business has often supported the education establishment and even opposed choice. Earlier this year, the Committee for Economic Development, a New York City group of business leaders, called for $10 billion in new federal spending on education and specifically criticized voucher plans. State associations and local chambers of commerce in such jurisdictions as California, Maryland, North Carolina, South Carolina, New Orleans, and Cincinnati have supported tax increases, pay raises, and other measures without commensurate structural reforms.

At the same time, however, there have been a few glimmers of hope. In February a group of CEOs from 15 Indiana corporations proposed a package of reforms, including school choice, for the state. The plan, called COMMIT, at least made it out of committee before being bottled up on the Senate floor by the Indiana State Teachers Association and its legislative allies. In Chicago, reform-minded business leaders have attempted to do an end run around the strong teachers' union, first by helping to draft and implement a decentralization plan for the city's schools and later by putting together and vigorously pushing a "scholarship" plan much like that proposed by Brookings's John Chubb and Stanford's Terry Moe.

To be successful, business groups who want to foster education markets rather than throw money at the current system will have to organize themselves to challenge the political power of unions and to pick away at that power by enlisting the aid of like-minded educators to sell choice to policy makers and the public. So far, this hasn't happened, and the education establishment's ability to stymie broad choice reform (as opposed to controlled-choice plans, which are less forcefully opposed) in state legislatures remains largely unchecked.

In some states, such as California and Oregon, choice proponents can go over the heads of the legislature, directly to the voting public. But taking the battle for choice to the ballot, via an initiative, doesn't guarantee success or circumvent union power. As Oregon choice supporters found out in a failed 1990 initiative for tuition tax credits, translating nominal public support for choice into votes on Election Day isn't easy. The initiative lost 2-1, garnering only 32 percent of the vote. "We hadn't laid the groundwork to convince the public that we needed radical change," says Steve Buckstein, who organized support for the choice initiative in Oregon and now heads up the Cascade Policy Institute.

Among the tactical errors choice proponents made, Buckstein says, were calling the plan a "tax credit" (he plans to use the term scholarship in the future) and allowing out-of-state parents to receive the credit for in-state students. The initiative probably shouldn't have included home schooling, he adds, even though ideally no form of education should be excluded. "For voters, including home schools was a negative," he says, because they raise the specter of state support for kooks and extremists. This argument may be a red herring, but it works. Buckstein says the home schooling provision may be dropped in a future initiative.

Another red herring that nevertheless poses political problems for choice initiatives is the Richmond County, California, case. For several years, Richmond operated a highly publicized controlled-choice plan in a largely poor, minority district. It even hosted one of President Bush's workshops on school choice in 1990. But earlier this year, the system declared bankruptcy and had to be bailed out by the state.

State education leaders and teachers' unions blamed choice, a charge that is likely to reappear should a planned initiative reach the November ballot. As Richmond sank into bankruptcy, however, some 19 other California districts teetered on the brink of insolvency. Public attention eventually focused as much on financial mismanagement, the effects of the recession, and perk-filled teacher contracts as on the risks of choice. "At first there was a little flurry" of choice criticism, says Pam Riley, a Richmond parent and director of public affairs for the Pacific Research Institute for Public Policy. But soon, she continues, the focus became the former superintendent's management style.

Still, at every debate on school choice in California (and elsewhere) advocates must address the Richmond question: Won't choice cost more and create a management disaster? Answering the question takes time and effort. This dilemma illustrates the dangers of overselling every choice experiment that comes down the pike. Proponents should pick and choose, placing the most emphasis on those systems with the greatest amount of freedom for individual schools and longest records of success. More important, choice proponents have to stress that controlled-choice plans that exclude private alternatives and maintain state regulation over much of school operations are a compromise, to be treated only as a first step.

Some proponents of education markets think such "first steps" and compromises are sure to fail. The issue of how far and how fast to implement choice is a microcosm of a larger

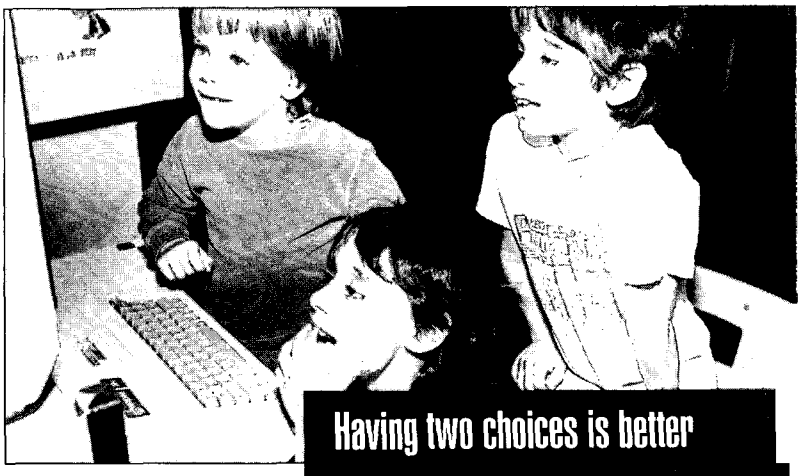
debate among free marketeers: whether gradualism is worth its cost. For example, one might fault the deregulation of U.S. savings and loans over a decade ago for the catastrophe that ensued because the institutions were given more freedom to act but were protected from risk by a safety net, federal insurance. Partial deregulation, in this case, may have been worse than standing pat.

Similarly, given the limited prospects for private-school choice in the near-term, is controlled choice among public schools by itself worth the effort? Many critics, including those strongly supportive of a market in education, don't think so. "The reality is so far off from the rhetoric," says Myron Lieberman, author of *Privatization and Educational Choice* and other books on school reform. Public-school choice doesn't challenge the power of unions and the security of teachers behind certification and tenure rules, he says. Moreover, it has often been proposed by leaders of the education establishment to forestall more-comprehensive reform involving privatization and private schools. "The problem is that conservatives lump everything with the word *choice* in it together," he says, "but nobody has lost his job in public-school choice. Restructuring has to hurt."

Chester Finn, who served in Ronald Reagan's Education Department under Secretary William Bennett and now operates the Education Excellence Network in Washington, D.C., used to think the same way. After all, he says, "piecemeal reform often slows the course of revolution." But he says now that since he doesn't see a strong movement toward vouchers in the near term, "I have been becoming more pragmatic about this." For one thing, public-school choice would help reform in the long term by accustoming the education profession to the principle of choice. And while controlled-choice plans such as those in Cambridge have many shortcomings, he says, "having two choices is better than mandatory assignment and having three choices is better than having two, and so on." A little competition is better than none at all.

Finn's position brings to mind a different example of gradualism: airline deregulation. Despite the lingering impediments to competition in air travel, mostly centering on the continued government ownership of airports and the air-traffic control system, the last decade or so of airline deregulation has benefited consumers greatly. There is reason to believe that even comparatively timid first steps toward education markets, including controlled choice, will more closely emulate airline deregulation than S&L deregulation in effect. If parents are given alternatives and choice among those alternatives engenders institutional change, school improvement, or at least greater comfort with the idea of competition, controlled choice will be a net benefit—while the risk that it will actually make schools worse is rather small.

So controlled-choice plans, inherently limited in scope, probably won't hurt the prospects for broader reform. But they won't necessarily help, either, without a strategy for focusing frustration on the controls rather than the choice. At least two things have to happen before broad school choice involving public and private schools can come about. First, the Supreme Court will have to make a clearer ruling about voucher plans and state support for religion. Without a prospect of passing constitutional tests, few people will put much political capital behind vouchers and tuition tax-relief plans. Second, the public will have to get excited about success stories such as Cambridge and East Harlem, with public-school choice, and Milwaukee, with vouchers.



Having two choices is better than a mandatory assignment, and three choices is better than two.

"Right now, the public is mildly in favor of vouchers, but not ardently so," Finn says. "But [vouchers] have very ardent opposition."

It's a classic public-choice problem—a vocal minority with access to the tools of the political trade still stands firmly in the way of reforms enjoying broad but shallow public support. As in the case of airline deregulation, radical change in education won't make it past the entrenched vested interests without a broad-based coalition of free-market advocates (and their Republican allies) and consumers with something to gain (and their Democratic allies in city hall, the state legislature, and elsewhere), along with as many educators as they can find to buck the system. To build this alliance, it will be critical to have easily understood examples of choice successes—just as deregulation supporters pointed to the low air fares in the unregulated intrastate markets of Texas and California.

So choice proponents may have to swallow more gradual reform than they would otherwise seek, with all the limitations and risks that entails. But the alternative—to be right but outmaneuvered—is worse. The trick is not to overestimate the rhetorical appeal of choice or to underestimate the power of its opposition. Catching a wave, metaphorical or otherwise, is all in the timing.

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SUSAN LAPIDES

PENISES AND POLITICS

BY JACOB SULLUM

Last year, in a letter to three radio stations that aired the "Howard Stern Show," the Federal Communications Commission seemed to acknowledge that "discussions of penis size are not *per se* prohibited." Still, the commission said, when such discussions are presented as part of a show "dwelling on sexual matters...in a pandering and titillating fashion," they are patently offensive, and therefore indecent—and therefore prohibited. So the FCC fined the stations $2,000 each.

Tom Leykis says complying with the FCC's indecency standard is like driving on a highway with no posted speed limit.

The commission, which until now has limited this sort of analysis to daytime and early-evening programming, is seeking authority to apply its expertise in such matters to all radio and TV broadcasts. In May, the U.S. Court of Appeals for the D.C. Circuit overturned a 1988 law requiring the commission to enforce a 24-hour ban on broadcast indecency, and the FCC is appealing the decision. So the Supreme Court may soon be considering what bearing the First Amendment has on discussions of penis size.

Some say it has none. "The basic mission of the First Amendment, for most Americans, is to ensure robust political speech," says Bruce Fein, a former FCC general counsel. "The enforcement problem is a difficult one, but, by and large, who cares whether they get it right or wrong? You're dealing with things that aren't essential to the First Amendment mission anyway."

But even those who take this view of the First Amendment should be troubled by the vagueness and subjectivity of the FCC's indecency standard. Contrary to the popular impression, "shock jocks" like Howard Stern represent a minority of those fined by the FCC for broadcast indecency. Moreover, the regulation of broadcast speech does its real damage at the margins, by discouraging broadcasters from airing controversial material. Most broadcasters are not willing to risk getting fined or losing their licenses in order to test the limits. It turns out that it's not as easy to separate indecency from political speech as Fein implies.

The distinction became a lot more difficult in 1987, when the FCC broadened its approach to enforcing a federal law forbidding the transmission of "any obscene, indecent, or profane language by means of radio communication." Until then, the commission's staff had relied on a narrow reading of *FCC v. Pacifica Foundation*, the 1978 Supreme Court decision upholding the FCC's authority to regulate broadcast indecency. *Pacifica* involved a midafternoon broadcast of George Carlin's now-famous "Filthy Words" monologue, which featured the repeated use of seven "words you couldn't say on the public airwaves, the ones you definitely wouldn't say, ever." For nine years after *Pacifica*, the FCC made it clear that broadcasters would be safe if they stayed away from the seven dirty words.

In 1986, however, the FCC received complaints about three broadcasts—including Howard Stern's show—that struck the commissioners as indecent even though the material did not meet the "seven dirty words" test. So the commission reverted to the generic definition of indecency it had set forth in *Pacifica*: "language that describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory activities and organs, [broadcast] at times of the day when there is a reasonable risk that children may be in the audience."

The FCC emphasized that innuendo and double-entendre, the staples of shows like Howard Stern's, could be deemed indecent. Since the Supreme Court had stressed that "context is all-important," the commission qualified its definition; to be indecent, a broadcast had to be patently offensive "in context."

The FCC also said that "contemporary community standards for the broadcast medium" would be based on the perspective of the average listener or viewer. So indecency is what the FCC thinks the average person thinks it is.

For broadcasters, this standard is hard to get a handle on. Because "context" is crucial to the FCC's definition, and because the commission fears accusations of prior restraint, it cannot give broadcasters clear, specific guidelines that would reliably tell them how far they can go. Instead, it judges broadcasts after the fact, on a case-by-case basis.

The problem of predicting what the FCC will deem indecent is not limited to broadcasters of the Howard Stern school. Tom Leykis, for example, hosts a fairly conventional talk show on KFI-AM in Los Angeles. He says trying to comply with the indecency standard is like driving on a highway with no posted speed limit. A cop pulls you over and gives you a ticket. "You say, 'How can you give me a ticket

if I didn't know how fast I was supposed to go?' And he says, 'You're just supposed to know.' "

Furthermore, serious purpose, whether artistic, social, or political, does not necessarily redeem a broadcast. Indeed, both the FCC and the Supreme Court have indicated that, unlike obscenity, merely indecent material is not "without merit"; it may simply be inappropriate for children. Hence, in 1987 the FCC found excerpts from *Jerker*, a play in which two gay men discuss their sexual fantasies over the telephone, to be indecent. *Jerker* is certainly raunchy, but it's also a critically acclaimed drama that deals with AIDS and homosexuality—topics that are, in part, political.

In 1989, the FCC fined a Miami radio station $2,000 for airing the song "Penis Envy," by the Roches. Far less explicit than *Jerker*, "Penis Envy" is also a lot funnier. The song—which begins, "If I had a penis..."—is a satire of macho attitudes.

The FCC stresses that it's the manner and not the content of a broadcast that makes it indecent. Thus the commission might argue that the sexual references in these broadcasts were gratuitous and therefore "patently offensive." After all, you can discuss homosexuality and sexual stereotypes without mentioning anal intercourse or penises. Still, there's no question that the impact would be different. Moreover, in some cases a political message is inextricably tied to an indecent medium.

For example, authorities in Huntington Beach, south of Los Angeles, recently threatened to prosecute a local bar for sponsoring a "fake orgasm" contest, inspired by the movie *When Harry Met Sally*. Leykis says he wanted to protest by holding his own fake-orgasm contest on the air. "I didn't do it," he says. "I have to worry about whether [the FCC] is going to see that as political speech. The point was not to titillate people. The point was to taunt the authorities in Huntington Beach and point out that what they were doing was wrong."

Or consider the Mojo Nixon song, "I Ain't Gonna Piss in No Jar." A protest against drug tests, it includes references to Thomas Jefferson and Patrick Henry. But it also includes lines like: "I ain't gonna pee-pee in no cup/Less'n Nancy Reagan's gonna drink it up," as well as a rather graphic description of a symbolic "urinary moat" around the White House. It's disgusting, sure, but it's certainly political. And any disc jockey who read the FCC's definition of indecency would have to think twice about playing it.

Barry Hansen, a.k.a. "Dr. Demento," is a big fan of Mojo Nixon, but he says he wouldn't risk a fine by playing "I Ain't Gonna Piss in No Jar" on the air. Hansen, who has a local show on KLSX-FM in Los Angeles as well as a nationally syndicated show, adds that he stopped playing "Penis Envy" in L.A. after the commission found it indecent in 1989. "We don't want to get our stations in any more trouble than necessary," he says. "It's all a matter of what you can get away with."

By regulating broadcast indecency, the FCC has transformed Howard Stern from a vulgar loudmouth into a martyr in the cause of freedom —and made him rich in the process.

The regulation of broadcast indecency also threatens news coverage of political controversies. In 1990, several viewers, including the omnipresent Donald Wildmon of the American Family Association, complained that WGBH-TV in Boston had shown some of Robert Mapplethorpe's sexually explicit photographs during a 10 p.m. newscast. (An exhibit of his work was opening the next day at a local museum.) The FCC considered the case for about eight months before deciding not to fine the station, and then only because the segment had aired after 10 p.m., which fell within a court-ordered safe-harbor period.

Similarly, Jim Mueller, counsel for the Children's Legal Foundation, cites the broadcast of Madonna's "Justify My Love" video on ABC's "Nightline" last year as an example of indecency. Yet the video, which was too salacious for MTV, had sparked a public controversy, one that Mueller himself was clearly interested in. How do you cover the issue of indecency without covering indecency itself?

Despite such paradoxes, conservative activists do not take concerns about a chilling effect very seriously. "That's nonsense," says Joseph Reilly, president of Morality in Media. "It's pretended, not real; it's for the talentless, not the talented....The rule is pretty plain. There are those who are risk takers, who are going to try to push the envelope, and there are those who are creative enough that they don't feel they have to titillate or descend to the gutter in order to maintain the attention of the immature."

As Tom Leykis and Mojo Nixon demonstrate, not everyone who "pushes the envelope" does so for purposes of titillation. But those who do, such as Howard Stern, actually benefit from the threat of FCC action. Like a drug dealer, Stern earns a premium for taking the government-imposed risks that others avoid. His appeal is based on expectations created by government regulation; his show is shocking (and profitable) precisely because people have come to assume that there are certain things "you can't say on the radio." The FCC is making Stern rich.

It may even make him respectable. When the government tries to suppress a certain category of speech, merely uttering it becomes a form of protest: Pushing the envelope is a statement in itself. By regulating broadcast indecency, the FCC transforms a vulgar loudmouth into a martyr in the cause of freedom.

Stern has combined the themes of money and martyrdom in his greatest-hits album, now available on cassette and compact disc. It's called *Crucified by the FCC*, and the cover pictures Stern carrying a cross.

Jacob Sullum is assistant editor of REASON.

CAMPUS FOLLOWERS

BY MARTIN MORSE WOOSTER

In the first half of 1991, a quiet debate over the orthodox-left wisdom on college campuses erupted into a public feud. "Political correctness" entered the media vocabulary in a big way. It was a barroom brawl, with friends and foes of P.C. slugging it out in weeklies, monthlies, quarterlies, and virtually any magazine that had space to cover the affair. By the time summer rolled around, various factions had declared themselves politically correct, anti-politically correct, and anti-anti-politically correct. *The New Republic*'s Andrew Sullivan was, however, the only person to declare himself anti-anti-anti-politically correct.

The political correctness debate cast a good deal of light upon American universities. Certainly the feuders involved, particularly on the left, were some of the smartest and toughest intellectual pit bulls in America. But all the verbal scratching, clawing, pushing and shoving by the P.C and anti-P.C. forces leads to a wider question: What are American colleges and universities like?

They are certainly peculiar places. The best illustration of the essential *oddness* of the academic world was in a *New York Times Magazine* report on the annual convention of the Modern Language Association. The reporter noted that men entering the job market for English and foreign-language professorships routinely worry about which earrings they should wear in interviews. Earrings, you see, are important "signifiers" of class, privilege, and status, the reporter noted, and wearing an aesthetically incorrect earring can decide whether or not an applicant is hired.

It is also true that most college professors say they are liberals. The July/August *American Enterprise* has two pages of polling data about professors, from a survey by the Wirthlin Group and Opinion Research Corp. for the Carnegie Foundation for the Advancement of Teaching. The most liberal group surveyed were professors of public affairs, 88 percent of whom said they were liberals. None of the professors of military science polled declared themselves liberals, though 90 percent thought themselves middle-of-the-road. Seventy-six percent of humanities professors (including historians, philosophers, literature professors, and theologians) said they were liberal, and 15 percent said they were conservative. Among social scientists (including psychologists, sociologists, and political scientists), the vote was 72 percent for liberalism and 14 percent for conservatism. (The remaining professors in these surveys thought they were middle-of-the-road.)

Men interviewing for English and foreign-language professorships routinely worry about which earrings they should wear. An aesthetically incorrect earring can determine whether or not an applicant is hired.

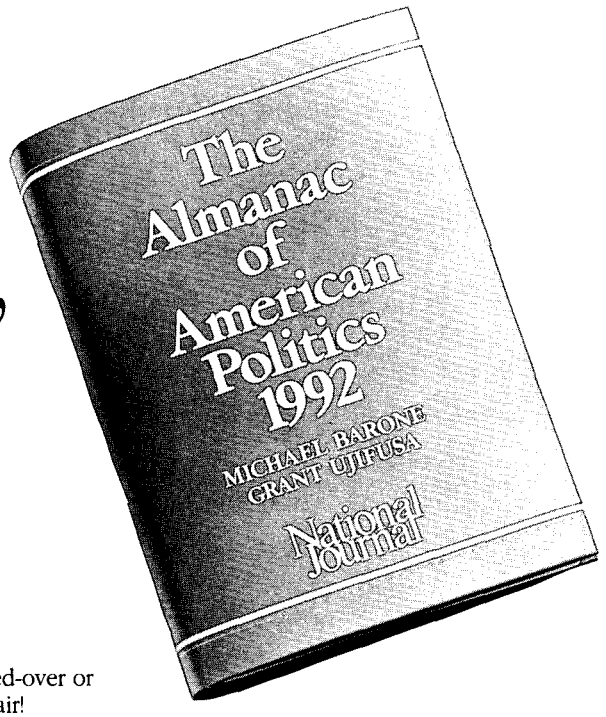
Does this mean that the left has turned the campus into a Stalinesque or Maoist institution? Hardly. There are two reasons why most American colleges don't resemble totalitarian states. First, most college students these days are apolitical. Over the years, I have quizzed recent alumni of private and public institutions across the country. They all tell me that about 5 percent of students are devout leftists or liberals and about 5 percent are conservative or libertarian. The only party the remaining 90 percent devoutly support is one involving several kegs of beer and a very loud band. If the American professoriat are tenured radicals whose only purpose in life is to win the hearts and minds of their students for communist revolution, they are agitators whom Mao, Lenin, or Eugene Debs would have swiftly fired for incompetence.

Second, the "political correctness" virus has not affected all disciplines equally. In particular, the hard sciences and mathematics have withstood the left-wing onslaught, largely because their foundations rest not on a canon of accumulated-but-changeable wisdom but on laws and principles based on the results of experiments conducted over hundreds of years. A feminist named Alison Jaggar charged that Copernicus replaced "the female (earth)-centered universe with a male (sun)-centered universe," but even she could not prove that the sun orbited the earth.

And consider economics, a social science firmly grounded in mathematics. Most economists say they are liberals. In the Wirthlin Group poll cited earlier, the liberal-conservative split among economists was 63-20. But if you polled the members of the American Economic Association on various questions, you would find that nearly all economists realize the importance of free markets. My guess would be that 99 out of 100 AEA members would be opposed to protectionism and 96 out of 100 would favor abolition of rent control.

Is this uniformity of opinion among economists, as Robert Kuttner has charged, due to a form of "economic correctness"? No. The reason economists favor free trade is not that economists think protectionism is yucky but that centuries of data support the notion that free trade leads to growth, and protectionism to autarky and decline. Kuttner's hard-line socialist views have been vigorously debated—and proven wrong. That is why a tiny minority of economists would side

George Will calls it, "The Bible of American politics."



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Before we go any further, let me explain briefly what a rent overcharge complaint is. After renting a regulated apartment, NY tenants have the right to question the "legality" of their rent. Anyone can file this simple form; there need be no proof of overcharge nor is there a penalty if the complaint is unfounded. But unknown to most outsiders, filing this form unleashes a series of mind-numbing delays of such protracted extent, they make Mr. Viola's 27 month wait look like a rush job.

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So political correctness remains largely confined to humanities departments. But even in the humanities, as David P. Bryden argues in the spring *Public Interest*, the debate is not over *what* courses are taught, but *how* they are taught.

Most of the courses proposed by campus leftists, Bryden argues, could be as easily be taught by liberals or conservatives. Consider the demand for more courses on race, class, or gender. Steven Goldberg or George Gilder could easily teach the politics of gender; Thomas Sowell or Charles Murray would be superb lecturers on racial politics. A course on classes in society could easily accommodate such subjects as the privileges of the Soviet *nomenklatura* and "the anti-bourgeois, antimarket prejudices of intellectuals." Similarly, the Great Books do not have to be taught in a "conservative" way; Leon Trotsky loved the classics as much as Allan Bloom does. Countless professors teach about politics without teaching "correct" interpretations.

What leftists want, of course, is to control not curriculum, but content. Thus, the end result of the radical attempt to control political discussion on the campus is to reduce discussion of the controversial topics they champion. Harvard professor Stephan Thernstrom, for example, regularly taught a course on the history of race relations in America. When radicals deemed him "insensitive" for, among other things, assigning readings from the diaries of colonial slave owners but not from slaves themselves (even though no slave diaries from the period exist), Thernstrom canceled the course rather than constantly be tried for thought crimes. Bryden also reports that many liberal law professors regularly refuse to review feminist books or teach about rape "because they don't want to ruin their reputation among feminists at leading law schools."

The ostracism placed on minority or female scholars who do not choose to write about their race or gender also restricts debate. In a meaty interview in the spring *Academic Questions*, Kenny Williams, a black woman who teaches Eng-

lish at Duke, describes how her colleagues wondered why she would write a book about Sherwood Anderson. "At first I didn't understand what the problem was, but then it dawned on me: Sherwood Anderson was a white man, and black female academics are supposed to stick to black affairs." According to Williams, another black hired at Duke, a Far Eastern scholar fluent in Mandarin Chinese, felt uncomfortable because he was constantly pigeonholed as "the black Chinese historian." "The university prefers black academics who specialize in what is called '*the* black experience,' " Williams says.

Will the radicals ultimately triumph in their efforts to silence dissent? Perhaps. But one encouraging sign that leftist influence may have peaked is the emergence of *Lingua Franca*, a breezy bimonthly.

Lingua Franca is a campus version of *Spy*. It's wildly popular at universities. A graduate student I know at the University of North Carolina reports that issues sell out at the college bookstore two hours after they arrive. It is also not political, which gives liberals and conservatives free rein to reprint from its pages. A recent article by "G. Kindrow" on affirmative-action hiring, for example, was excerpted both by *The Wall Street Journal* editorial page and by *Harper's Magazine*, an unprecedented event.

But what is most cheering about *Lingua Franca* is its penchant for humor. In the April issue, for example, Duke English professor Frank Lentricchia is profiled. While his "neo-Marxist" views are mentioned, what is more important to the editors of the journal is that Lentricchia, in his 1983 work *Criticism and Social Change*, broke a previously unknown social barrier and posed for the dust jacket in his shirtsleeves. In other issues, *Lingua Franca* has profiled scholars who research "Star Trek"–based pornography; parodied the deconstruction movement by examining how "Gilligan's Island" would be critiqued by French scholars; and reported that black women have walked out of the National Women's Studies Association, resulting in the organization's firing all its staff and accumulating a $64,000 deficit.

Any journal that refers to "the stun gun of sociological prose [that] has stupefied too many otherwise alert readers" has to be cheered. For the foes of political correctness have made a crucial mistake—they have cast their antagonists as tyrants rather than clowns.

The authors of such articles as "Jane Austen and the Masturbating Girl" and "Revolt Into Style: Graham Greene Meets the Sex Pistols" do not, by their words, bring Western civilization to a close. Their writings are unintentional satire, not tragedy. The surest way the politically correct can be checked is by the healthy and merciless laughter of men and women free to say what they please.

Martin Morse Wooster is the Washington editor of REASON.

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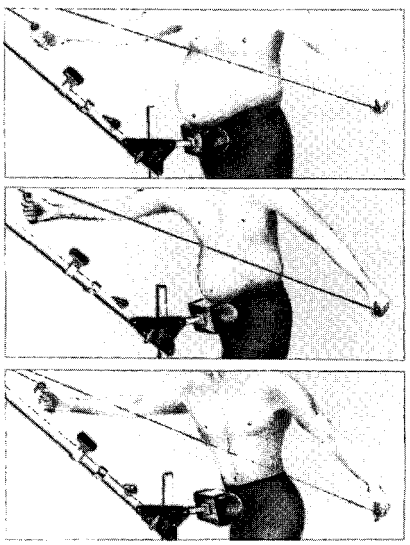

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STILL A RAW DEAL

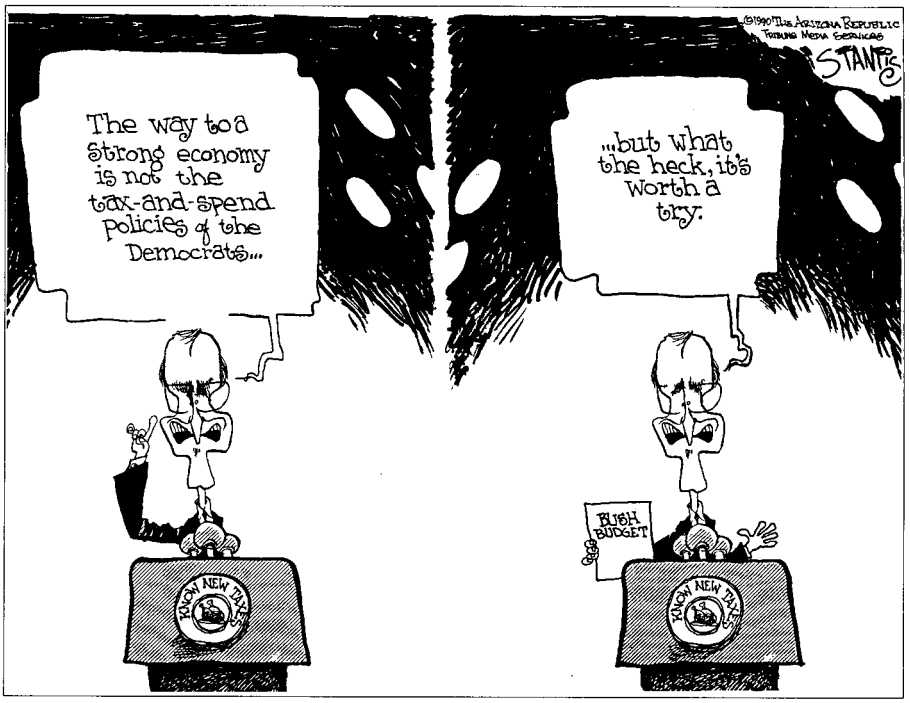
BY DANIEL J. MITCHELL

Reporters covering the budget are naively adopting the White House party line that last year's budget agreement was a good deal for the administration after all. Even some conservative pundits, including Fred Barnes and Irving Kristol, have written positively about the agreement. In addition, a few Republican lawmakers who opposed the deal, particularly Minority Whip Newt Gingrich, have swallowed administration propaganda that restrictions on Democratic spending initiatives are the silver lining to last year's dark tax cloud.

Indeed, Democrats *are* publicly complaining that spending caps prevent them from increasing domestic discretionary spending as fast as they would like to. This, however, is more an indictment of Democrats than it is an endorsement of the budget agreement. Under the spending caps, domestic discretionary spending will climb by 7 percent annually between 1990 and 1993, nearly three and a half percentage points above the amounts needed to keep pace with inflation. It is true that the budget agreement makes it difficult to increase spending even more, but this is hardly an argument in favor of the budget deal since domestic discretionary spending growth was nearly held to the rate of inflation when the old Gramm-Rudman law was in force.

If the current campaign to reinterpret the effect of the budget agreement succeeds, the unfortunate consequence inside the White House will be to strengthen the power of those advisers, including Budget Director Richard Darman, who led President Bush down the primrose path. As a result, the already-slim chances of getting the administration behind a progrowth proposal such as the tax-reform legislation offered by Sen. Malcolm Wallop (R-Wyo.) and Rep. Tom DeLay (R-Tex.) will be effectively destroyed.

There is an even grimmer consequence should Darman's campaign to manipulate official Washington opinion succeed.


The way to a strong economy is not the tax-and-spend policies of the Democrats...
...but what the heck, it's worth a try.
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Once it becomes apparent that last year's budget deal increased rather than reduced long-term deficit spending, pressure will build for a new budget summit, probably to occur after the 1992 election. Even though these higher deficits will prove how flawed the 1990 agreement was, Darman's continued presence and the prestige garnered from current favorable press coverage mean the president will likely fall into the same tax-increase trap.

Because of the threat of future tax increases, a favorable reinterpretation of the 1990 agreement will have catastrophic consequences. Fortunately, for every clever quote Darman can provide in defense of the agreement, there are dozens of facts demonstrating last year's deal continues to be a monumental mistake. By every criterion important to economic growth and budgetary responsibility, Darman's budget moved fiscal policy in the wrong direction.

The agreement stuck the American people with the largest tax increase in history. Largely due to this huge surge in the tax burden, Tax Freedom Day, the day the average taxpayer has earned enough to satisfy annual federal, state, and local tax obligations, fell on May 8 this year, three days later than last year and the latest it has ever occurred.

While defenders of the agreement pontificate about the theoretical value of trading higher taxes for real controls on federal spending, the reality is that last year's deal resulted in the largest spending increase in history—a record jump of more than $250 billion between 1990 and 1992. Indeed, under Dick Darman's stewardship, federal spending will have climbed from 22.3 percent of gross national product in 1989 to a projected peacetime record of 24.9 percent of GNP by 1992.

The alleged purpose of the budget summit, or so we were told, was to reduce the budget deficit. Unfortunately, like spending and taxes, the deficit rose—to nearly $300 billion, an all-time record. The 1992 deficit will be even larger, climbing to nearly $350 billion. Oddly enough, even though the deficit today is approximately twice the

size it was when Ronald Reagan left office, the "deficit crisis" seems to have disappeared, at least if press coverage is a reliable indicator.

Defenders of the budget deal claim these figures on taxes, spending, and the deficit aren't meaningful because of factors theoretically outside policy makers' control, notably the recession and the deposit-insurance bailout. Legislators can hardly blame the recession, however, since their tax and regulatory policies caused the downturn. Nor should lawmakers avoid responsibility for the deposit-insurance bailout, which will account for less than one-fourth of the $250-billion 1990-92 spending increases anyway.

Tax Freedom Day, the day the average taxpayer has earned enough to satisfy all annual tax obligations, fell on May 8 this year, three days later than last year and the latest it has ever occurred.

Finally, those tempted to believe last year's "compromise" is really a good deal after all should recall the origins of the agreement. In May 1990, Washington politicians faced the specter of automatic budget cuts that would have reduced projected 1991 federal spending by as much as $100 billion to comply with the Gramm-Rudman law. Notwithstanding pious pronouncements about deficit reduction and the need to make "tough choices," the real purpose of the budget summit was to prevent this $100-billion sequester from happening and to emasculate the Gramm-Rudman law that had imposed real fiscal discipline by slashing the inflation-adjusted growth of federal spending by more than half.

Daniel J. Mitchell is the John M. Olin Senior Fellow in Political Economy at the Heritage Foundation.

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What are the facts?

■ The suggestion that Israel should give up the territories and that good things would flow from that is based on two assumptions, namely 1) that the demands of the Palestinian Arabs for independence from Israel are the source of the Arab conflict with Israel; and 2) that Israel's withdrawal from the territories and the creation of a Palestinian state in them would satisfy the aspirations of the Palestinian Arabs, that it would end the hostility of the Arab nations against Israel, and that it would restore peace to the area.

■ Unfortunately, both of these assumptions are not in accord with reality. The desire of the Arab nations to destroy Israel has been unrelenting from the day of the creation of Israel in 1948. It has given rise to five major wars, has caused tens of thousands of casualties, and untold destruction. The PLO, whose covenant—never changed and never amended—unequivocally calls for the destruction of Israel, was founded in 1964, long before Israel's administration in the territories. Thus, the almost single-minded obsession of the Arabs to destroy Israel, and not Israel's refusal to accede to the creation of a Palestinian state, is the cause of the never-ending conflict in the area.

■ It is difficult for the Western mind to understand the depth of passion on the part of the Arabs for the destruction of Israel. Among reasonable people, most conflicts might eventually be amenable to peaceful and rational solution. But in the Arab-Israel conflict, no such solution is in the cards for the foreseeable future. The reason is that 300 million Arabs consider the very existence of Israel an intolerable offense to their sense of history and destiny. It is not Israel's administration of the "West Bank" that is unacceptable to the Arabs; it is the very existence of Israel. There is no reason to believe that Israel's withdrawal and the establishment of a Palestinian state would appease the Arabs and induce them to make peace with Israel.

■ One can speculate as to what would be likely to happen if Israel—inadvisedly or ultimately bowing to pressure—were to yield the "West Bank" to Arab control. The murderous fratricidal passions that have been played out in Lebanon in the last fifteen years would be repeated in even more violent form. It is an improbable expectation that a state dominated by the murderous PLO would be the first Arab state ever to adhere to anything resembling democratic and human rights principles or that it would be a friend of the United States, and not an eager pawn of the Soviet Union.

■ The Lebanon slaughter would be shifted to the new Palestinian state, with Israel being a more likely target of its fury. A Palestinian Arab state on the "West Bank" would cut through Jerusalem, touch on the suburbs of Tel Aviv, and have a long border, nine to fifteen miles from the sea, with Israel's most thickly populated areas. Palestinian militias, armed, not with gasoline bombs and stones, but with helicopters, missiles, artillery and automatic weapons, would have Israeli pedestrians within rifle range, and Zion Square in Jerusalem and Ben Gurion airport within mortar range.

Few responsible elements in Israel's government and society wish to annex Gaza and the territories of Judea/Samaria (the "West Bank"). But also, hardly any responsible elements would consider relinquishing those territories for the creation of a Palestinian state. The Palestinian Arabs enjoy full civil rights and have been offered free elections and full autonomy by Israel, in line with Israel's commitments in the Camp David Accords. Moreover, Israel is ready and has always been ready to discuss the permanent status of the territories with responsible Palestinian representatives three years after the implementation of the autonomy. The situation of Israel and the territories is a bad one—no doubt about it. But the alternative to bad is not necessarily good. In this case, at least at the present time, the alternative would likely be a catastrophe, which, in its consequences, could even put the horrible situation of Lebanon in the shade. Real peace in the area will not come by Israel's yielding minimum strategic depth to its mortal enemies. It can only come about by the eventual rise of democratic governments in the "front-line" Arab states, governments that would accept Israels existence and could learn to live in peaceful co-existence with it.

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Out of Bondage

BY CATHY YOUNG

Freedom, Vol. 1: Freedom in the Making of Western Culture
By Orlando Patterson, New York: Basic Books, 496 pages, $24.95

In the ongoing hero-or-villain quarrel over Columbus, *Newsweek* was recently taken to task by an irate reader for suggesting that without the European colonization of the Americas, the world today might have been composed of democracies in Europe and totalitarian, human-sacrificing empires across the Atlantic. Since the Europe of Columbus's day was anything but democratic, was it not flagrantly ethnocentric to presume that the Aztecs or the Incas would not have progressed toward freedom as well if left to themselves?

We shall never know how the high civilizations of the Americas might have turned out on their own. But if there is a conclusion to be drawn from *Freedom*, the seminal new work by Harvard sociologist Orlando Patterson, it is that even a sophisticated civilization cannot be expected as a matter of course to become a free society (take China). "For most of human history, and for nearly all of the non-Western world prior to Western contact," writes Patterson, "freedom was ...anything but an obvious or desirable goal." Indeed, "most human languages did not even possess a word for the concept before contact with the West." On the other hand, although the European monarchies of 1492 were hardly hospitable to freedom as we know it, Patterson maintains—disputing the widespread notion of a 2,000-year hiatus in the history of freedom in the West—that "freedom has been the core value of Western culture *throughout* its history."

Today, as more and more of the non-Western world embraces this value, it has become common to speak of the yearning for freedom as a "natural" or "basic" human instinct. But can something that was alien to most of humanity most of the time be taken for granted as an intrinsic part of human nature? Patterson says no: Since freedom is far rarer than unfreedom, it is the emergence of freedom that requires an explanation.

Patterson's criticism of the West's "inverted parochialism" in assuming that freedom is a universal ideal may sound jarring to some (particularly since the remarkable appeal of freedom to so many of the non-Western peoples who have been exposed to it suggests some universality, as Patterson himself acknowledges at the end of the book). Nonetheless, his quest for the origins of liberty and its development into the Middle Ages yields richly rewarding results.

Patterson's provocative basic thesis is that the notion of freedom first arose in human societies as a result of the institution of slavery: "People came to value freedom, to construct it as a powerful shared vision of life, as a result of their experience of, and response to, slavery...in their roles as masters, slaves, and nonslaves." (While, by his own admission, this is not a wholly original insight, Patterson is the first scholar to make it central to his conception of freedom.) In primitive societies, individuals had no existence apart from the tribe. With persons in their midst who were stripped of their full humanity through a "social death," members of the community began to define themselves as the opposite of the slave, gaining their "first experience of freedom as a socially valued good." Freedom was also a positive value in the yearnings of the enslaved.

And yet freedom failed to take root in many societies that practiced slavery—not only primitive tribes but such sophisticated ancient civilizations as Egypt, Mesopotamia, and China. In part, argues Patterson, this was because slavery always remained socially marginal in these cultures, as did, to an even greater extent, the manumission (release) of slaves. Moreover, distinctions between the slaves and the nonslave poor were not as sharp as they were to be in classical Greece and Rome: "Relations of personal dependence...affected all areas of society." What slaves lacked was a network of kinship ties to protect them; thus, paradoxically, the opposite of slavery was not freedom but belonging, and the slave's best hope was acceptance as a full-fledged member of society.

Here, it seems to me, Patterson's theory suffers from a logical flaw. He admits that in order for slaves to desire freedom, freedom had to be a viable social alternative, something that nonslaves possessed. But that means some form of freedom had to exist before it was "constructed" by slaves. Why did it exist in some societies and not in others? Climate, national character, accident of history? That is likely to remain a mystery. I hasten to add that this in no way detracts from the bulk of Patterson's sociohistorical analysis. In any event, he leaves no doubt that the articulation of freedom as an ideal, and the valuation of its importance, were informed in a major way by the experience of slavery.

Patterson offers a view of freedom as a "tripartite value," a "chordal triad" whose three "notes" are personal freedom (freedom from constraint and interference by others or the state), civic freedom (political participation), and "sovereignal" freedom (freedom to exercise power over others). While the last may strike us

as a contradiction in terms, Patterson shows that it has played a crucial and often positive role in the development of the West: "Men with unrestrained freedom of power" were able to "create and transform their worlds," freeing those in their power from "the inertial weight of tradition."

Patterson links the Greeks' increasing appreciation of freedom to the danger of enslavement in foreign wars.

Patterson traces the evolution of freedom in ancient Greece from an elitist ideal of a warrior caste to a much more democratic and human vision. He argues that the oligarchies' willingness to extend political rights to all freeborn males stemmed in part from the need to have them as allies in the event of a slave revolt; he also links the increasing appreciation of freedom—uniting, for the first time, all the elements of the triad—to the danger of enslavement in foreign wars.

Patterson challenges the widespread view that the Greeks saw liberty only in civic, not personal, terms. Analyzing Pericles' funeral oration in the Second Peloponnesian War (441 B.C.), he finds that the Athenian statesman articulated a very modern, not to say American, vision of freedom: "We do not get into a state with our next-door neighbor if he enjoys himself in his own way....Each single one of our citizens, in all the manifold aspects of life, is able to show himself the rightful lord and owner of his own person." Other Greek thinkers, such as Aristotle, were deeply suspicious of individualism and excessive democracy—but their very criticism of such notions suggests that they were commonly held.

Turning to ancient Rome, Patterson has little time for the civic-minded Roman elite, whose notion of liberty, he argues, implied the preservation of its own legal privileges and restricted the competition for power to members of the ruling class. This conception of *libertas* "fully accepted the right and power of the state to interfere [with the individual] as long as it did so in a constitutional manner." Patterson undertakes a spirited defense of Rome's much-maligned masses. If they cared little for civic liberty, he says, it was because to them it meant the elite's freedom to exploit them. But this same urban plebs—composed mostly of freed slaves or descendants of such, and therefore especially attuned to the value of "the right to do as one pleased without constraint from others or from the state"—passionately cherished personal freedom.

Ironically, the best guarantee of such freedom was seen to be a strong imperial power capable of reining in the rapacious oligarchy. Thus, the sovereignal freedom of the emperor became a source of personal freedom for the average citizen. At the same time, new philosophical and religious trends evidenced a turn toward inner freedom as mastery over one's passions and appetites, freedom as spiritual redemption—culminating, of course, in Christianity. One of Patterson's most illuminating insights has to do with how the Christian sense of freedom as a gift from, and submission to, an omnipotent God mirrored the Roman relationship between the master and the freed slave and between the emperor and the citizen.

Refashioned in their image by Roman ex-slaves, Christianity became "the first, and only, world religion that placed freedom...at the very center of its theology." It also affirmed the equal worth of every person, regardless of social status, in the eyes of God. Once again taking on a common preconception—that freedom was irrelevant in the Middle Ages—Patterson demonstrates that the feudal lords and kings clung zealously to their "sovereignal freedom," and townsmen to the free status that distinguished them from serfs. A peculiarity of the medieval vision was the "divisibility of liberties"—specific rights and immunities conferred on individuals or groups, and subject to buying and selling. Despite overtones of a crude protection racket, "these bartered liberties did constitute the transfer of genuine rights or freedoms." The "note" of personal freedom, while muted, was also kept alive by serf revolts and heresies.

Thirty years ago, it would have been possible to write a book such as this with hardly any mention of women and their experience of freedom. That this is no longer possible is, I think, altogether a good thing. But *Freedom* exemplifies the dangers of moving too far in the direction of a "gendered" approach. Patterson's contention is that women were no less than "the creators of Western freedom because it was they who first socially constructed personal freedom as a value."

The basis for this conclusion (which is likely to overshadow everything else in the book) is that in early Greece, slavery was a woman's fear: In wars of conquest, men were usually killed and women taken as captives. Most of the references to freedom in the *Iliad*, Patterson finds, have to do with fear of the enslavement of the city's women. But can this value have existed in the consciousness of women only when, in the passages cited, the fear is voiced by men?

Even more dubious is the assertion that women in classical Greece and in medieval Europe, excluded from power, "construct[ed] a compassionate, womanly version of personal freedom." The word *womanly* seems to imply that this compassionate freedom is inherently female. The evidence comes from female characters in Greek tragedies created by

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male writers—and very selectively interpreted at that. In discussing *Antigone*, Patterson posits a dichotomy between male freedom-as-power embodied by Creon, and female freedom-as-love embodied by Antigone; yet the chorus of male city elders takes Antigone's side, as does Creon's son. Patterson never mentions *Medea*, in which a woman murderously asserts her freedom.

"Most human languages did not even possess a word for [freedom] before contact with the West," says Patterson. Can something that was alien to most of humanity most of the time be taken for granted as an intrinsic part of human nature?

Even more telling is Patterson's obvious discomfort with the fact that the more emancipated women of late Roman antiquity proved as power-hungry as their men: "What does it mean that women, once given the chance, could have so horribly sublated their personal freedom into monsters of sovereignal power...?" Perhaps it means that women are human. But Patterson feels compelled to express the hope that "they were not typical of their class of women"—and continues to identify the corruption of freedom into power with masculinity.

The book, which is to be followed by a second volume exploring the modern history of freedom, ends on a strangely ambivalent note of warning that freedom should not be seen as an unqualified good. When Patterson says that "at its worst, no value has been more evil and socially corrosive...inducing selfishness, alienation, the celebration of greed, and the dehumanizing disregard for the 'losers,' " it sounds distressingly close to a politically correct diatribe. And he unaccountably neglects to acknowledge that the evils which tainted the birth of freedom in the West—slavery and the oppression of women—were no less prevalent in other, unfree cultures.

Yet Patterson's ambivalence has very little to do with the fashionable multicultural credo; rather, it is a sobering reminder that "the tragic interdependence of good and evil" is part of the human condition. He does not hesitate to affirm the unique though flawed greatness of the West, to say that "freedom is undeniably the source of Western intellectual mastery, the engine of its extraordinary creativity, and the open secret of the triumph of Western culture" worldwide. This is a statement to raise the blood pressure of campus radicals—particularly coming as it does from a descendant of slaves and a man of non-Western ancestry who speaks of Western culture as his own.

A monumental work by an original and courageous thinker, *Freedom* can be, by turns, eye-opening and infuriating, but never boring and always informative. And, though Patterson claims in the preface that the book offers no value judgments and is only "a historical sociology of our most important cultural value," it is also a stunningly passionate work. Starting with the dedication, "To the unfree of the world," Patterson makes no secret of his sympathies and his antipathies. Whether one shares them or not, the passion is refreshing. So is the clear, graceful style uncluttered by jargon, while the sheer scope of Patterson's vision is something all too rare among scholars today.

Contributing Editor Cathy Young is a writer in Middletown, New Jersey.

Wandering in the Wilderness

BY WALTER E. WILLIAMS

The Promised Land, by Nicholas Lemann
New York: Alfred A. Knopf, 416 pages, $24.95

Nicholas Lemann's story begins in Clarksdale, Mississippi, just as mass mechanization of agriculture begins to displace black farm workers and sharecroppers, creating the largest internal migration in U.S. history. In 1940, 77 percent of black Americans lived in the South. Between 1940 and 1970, 5 million left. Only 50 percent of the total black population remained in the South.

In a modified John Dos Passos style, Lemann treats us to interesting vignettes of the trials, tribulations, and successes of several Clarksdale residents who went up the Mississippi to Chicago in search of greener pastures. Ruby Lee Daniels, a former farm worker, is one of the people whose lives of disappointment and occasional achievement Lemann chronicles, a technique that adds a nice human touch to *The Promised Land*.

At one point in Ruby Lee Daniels's life, she is called into a tenant interview by Chicago's Taylor public-housing project after a long wait. At the interview, she discovers that the housing authority has a policy against renting to unwed mothers. She lies about her marital status, but the next day Ruby and Luther Hayes, her common-law husband, go to the courthouse and get married.

Lemann passes over this minor incident without comment, but it is a telling commentary on today versus yesterday. While people have always behaved irresponsibly, years ago the institutional setting and social mores did not support or tolerate it as much. Ruby Lee Daniels's hurry-up wedding is one example of how institutional requirements made fathers live up to their responsibilities. The now unheard-of "shotgun" wedding was another; there was also arrest and the possibility of a jail sentence for failure to provide child support.

Much of Lemann's book is about the government policies affecting the lives of people like Ruby Lee Daniels. "Washington" is the book's most important and by far its most interesting chapter. The reader is treated to details of the deals and behind-the-scenes political infighting behind the passage of the Civil Rights Act of 1964. People who criticize the Founding Fathers for having compromised morality, counting each slave as three-fifths of a person for the purposes of apportionment, will be interested in the deals made by John F. Kennedy. When Kennedy was senator, preparing to run for president, he voted along with his Southern colleagues to add an amendment to the Civil Rights Act of 1957 that guaranteed jury trials for people accused of violating a black's voting rights. In the South, of course, a jury trial meant acquittal for the offending white. But Kennedy, like Nixon, needed the South to win the White House; thus, he had to devise an early version of the "Southern strategy."

Among the seedier Kennedy-clan political strategies was an attempt to win the black vote by paying off *Jet* magazine columnist Simon Booker so he would allow Kennedy staffers to write his column. To appease segregationists, the Kennedy White House offered to give tax breaks to James Farmer, then head of the Congress of Racial Equality, if CORE would call off demonstrations.

The main thrust of Lemann's "Washington" chapter and the "Chicago" chapter that follows is a detailed account of how the idealism of "Camelot," cut short by Kennedy's assassination, evolved into President Johnson's War on Poverty. Lemann notes the futility of some poverty programs, such as urban-renewal projects that simply destroyed poor neighborhoods and replaced some of them with what were to become today's crime-infested high-rise projects. Urban renewal—some people call it "urban removal"—was a failed policy that mostly benefited the developers who got the building contracts.

Then there were the Office of Economic Opportunity, the Job Corps, and Community Action Programs, all of which no one would defend as successful in achieving their stated missions. No one, that is, except perhaps Nicholas Lemann, who criticizes the assessment of the War on Poverty programs offered by Irving Kristol, Ronald Reagan, and George Bush. Reagan's assessment was captured in one of his favorite quotes: "In the 1960s, we fought a war on poverty, and poverty won."

As senator, John Kennedy voted to add an amendment to the Civil Rights Act of 1957 that guaranteed jury trials for people accused of violating a black's voting rights. In the South, of course, a jury trial meant acquittal for the offending white.

Lemann says: "Rhetorically, the war on poverty was made to sound more sweeping than it actually was and so set itself up to seem as if it ended in defeat when it didn't vanquish all poverty. But to say that the experience of the late '60s and the early '70s proves for all time that federal social welfare programs can't work, or that they cause poverty to worsen, is to cross over into the realm of political fantasy." But the statistics are no fantasy. Today, official poverty among blacks is higher than in the mid-'60s.

More important, since the U.S. Census Bureau began collecting the figures in the 1940s, the distribution of income has remained remarkably stable, with the lowest quintile earning about 6 percent or 7 percent of the national income and the highest quintile getting about 40 percent. During those 50 years, the nation has spent hundreds of billions of dollars in the name of combating the "unfair" distribution of income, and all for naught. The only income redistribution that occurred was the massive shift of income from the people to the government. Surely one can point to some isolated successes of the War on Poverty, but the policy-relevant issue is success per dollar of expenditure.

All evidence suggests that government can do little of significance to influence income short of taking one person's earnings and giving them to another. After all, the main ingredients of higher income are behavioral factors that influence individual productivity, such as sacrifice of present enjoyment to invest in human capital. What can government do to ensure that kids behave in school, do their homework, and give up summer fun for remedial education? How can it get parents to postpone the purchase of a luxury item in order to save for a nicer home? These and other behavioral factors are very important to individual development, but they cannot be easily manipulated by government.

Government has a much greater capacity to eliminate options than to expand them. Lemann discusses, but chooses not to criticize, how the extension of the minimum wage to farm laborers, in 1967, created the chemical revolution, which far exceeded the suddenness of the mechanical revolution. The minimum wage made labor-intensive farming far too expensive. In the Mississippi Delta, as a whole, according to a confidential HEW memo, some 11,000 farm workers, representing 50,000 family members, lost their jobs as a direct result of minimum wages. The fact that this policy forced many blacks to flee to the pathology of Northern ghettos, and overwhelm whatever mediating institutions were available, seems to faze Lemann not one iota.

Daniel Patrick Moynihan, a congressional aide at the time, warned of the declining black family and recommended the Family Assistance Plan, which would give welfare money to intact families as well as female-headed ones. He was roundly condemned as a racist. In addition to his hope that the plan would stem the breakdown of the black family, Moynihan thought that it would remove the

incentive for poor people, blacks especially, to migrate to states offering higher welfare payments. Lemann says that Moynihan "stoutly denies" this motivation. One of the reasons the Family Assistance Plan was defeated is that it would have made welfare workers redundant.

Part of Lemann's mission is to argue against the idea, prominent in conservative circles, that today's pathology among many blacks is new and possibly caused by the poverty programs of the '60s and '70s. To make his case, he cites studies in the '30s and '40s by scholars such as Hortense Powdermaker, John Dollard, Charles Johnson, and Gunnar Myrdal. Among other things, they observed that the typical black family was matriarchal and that the rate of illegitimacy was extremely high among blacks —some 16 percent, eight times the rate among whites. Plus, black communities in the South had high rates of murder, sexually transmitted diseases, and bootleg-whiskey consumption.

Although black families and black neighborhoods have always had problems, the magnitude and kind of dysfunction we see today are entirely new. While 16-percent illegitimacy was high in the '30s and '40s, it compares favorably to the 61-percent (and rising) illegitimacy rate of today. Only recently has murder become the leading cause of death among young black males. Today, thousands upon thousands of black men reach the age of 25 without ever holding a job. These statistics reflect modern black life, which is entirely missing from Lemann's stories about people who made the trip to Chicago to earn $30 a week or more in laundry, factory, or restaurant work instead of $20 or less picking cotton.

All in all, *The Promised Land* is a very well-researched book of great benefit to anyone trying to understand the hopes and failures of the '60s and '70s for black Americans. Some of the conclusions that Lemann extracts from his findings blemish an otherwise fine job of reporting.

Contributing Editor Walter E. Williams is John M. Olin Distinguished Professor of Economics at George Mason University.

Civics from Hell

BY MATTHEW B. KIBBE

Parliament of Whores: A Lone Humorist Attempts to Explain the Entire U.S. Government By P.J. O'Rourke, New York: The Atlantic Monthly Press, 233 pages, $19.95

P.J. O'Rourke: "What the ** do they do all day, and why does it cost so ********* much money?"**

Only P.J. O'Rourke could glean a valuable civics lesson from the artificial insemination of a cow.

Imagine you are that cow, in a barn, on a farm, somewhere in New Hampshire. Life as a cow isn't all that bad, if only because you are too stupid and too busy going about the mundane business of being a cow to know that forces beyond your control completely determine your life. Unfortunately, all good things usually end sooner than later, and sure enough, one day three men rudely interrupt your idyllic lifestyle. One of the men, Pete, is wearing two very long rubber gloves.

O'Rourke was also there on that fateful day, and he is thoughtful enough to share a cow's-eye view of the experience in his latest book, *Parliament of Whores.* "Getting a cow in the family way is not accomplished," observes O'Rourke, "with a bull and some Barry White tapes in a heart shaped stall." It is instead a rather unpleasant procedure, particularly if you happen to be a cow.

"It's an alarming thing to watch, and I am glad to say that I didn't watch it because I was at the other end," recalls O'Rourke. "But I'll tell you this, I will never forget the look on that cow's face."

The moral of the story has little to do with the sometimes-ugly science of making little cows and a whole lot to do with the always-coercive nature of government finance: "The same look—and for the same reason—appeared on my own face when I began reading the 1990 farm bill. Every five years or so the U.S. Congress votes on a package of agricultural legislation that does to the taxpayer what [we] did to the cow."

Get the point?

This bovine allegory is only one of many powerful tools employed by O'Rourke to construct his twisted, mostly libertarian view of government and politics into "a kind of Devil's Civics Text." O'Rourke's political satire is the 198-proof, grain-alcohol type: harsh, outrageous, and intoxicating to the point of unpleasantness, like government itself. But even when describing an apparently sexual admiration for MK-41 Vertical Launch Missiles, he is hilarious. "*This,*" drools P.J., "is the way to waste government money."

High school seemed like hell at the time, but I don't recall civics class being anything like this. In fact, I don't remember even taking civics, although I'm sure I did. As far as I can figure, the lessons of high school civics are still with most of us; they lurk deep in the subconscious mind, torturing the moral sensibilities of the rest of the brain. Civic-minded behavior only occasionally emerges as an uncontrollable reflex, like regurgitating the Pledge of Allegiance, registering for the military draft, or voting for *either* George Bush or Michael Dukakis. No

MEDORA HEBERT

one, except maybe George Bush or Michael Dukakis, paid enough attention in high school civics class to know why we actually do these things.

O'Rourke's civics text, on the other hand, I would have remembered. Instead of the usual lessons, like "How a Bill Becomes a Law," we learn that "the U.S. Government is a sort of permanent frat pledge to every special interest in the nation—willing to undertake any task no matter how absurd or useless." Or, "voting in the House of Representatives is done by means of a little plastic card with a magnetic strip on the back—like a VISA card but with no, that is, absolutely *no*, spending limit."

On democracy: "Now majority rule is a precious, sacred thing worth dying for. But—like other precious, sacred things, such as the home and family—it's not only worth dying for; it can make you wish you were dead. Imagine if all of life were determined by majority rule. Every meal would be pizza. Every pair of pants, even those in a Brooks Brothers suit, would be stone-washed denim. Celebrity diet and exercise books would be the only thing on the shelves at the library. And—since women are a majority of the population—we'd all be married to Mel Gibson."

On political parties: "When you looked at the Republicans, you saw the scum off the top of business. When you looked at the Democrats, you saw the scum off the top of politics. Personally, I prefer business. A businessman will steal from you directly instead of getting the IRS to do it for him."

On taxes: "Remember that all tax revenue is the result of holding a gun to somebody's head....Thus, I—in my role as citizen and voter—am going to shoot you—in your role as taxpayer and ripe suck—if you don't pay your share of the national tab. Therefore, every time the government spends money on anything, you have to ask yourself, 'Would I kill my kindly, gray haired mother for this?' "

On Social Security: "Ninety-two percent of the nation's mortuary bait gets a Social Security check. A typical current retiree's yearly take is $8,674. In order to pay for this, the Social Security withholding tax on those of us who look at a Victoria's Secret catalog with more hope than regret is now up to as much as $3,855.60 a year....That means some old doll whom I don't even know is pestering her daughter-in-law with querulous long-distance calls, littering her front lawn with plaster ducks, overfeeding her toy fox terrier and haunting the bingo parlors—on *my* dime."

Where, you might wonder, do such keen political insights come from? Like investigative journalism, political humor is only as good as the questions asked. The well-placed query ferrets truth from the most evasive polyester-clad bureaucrat and insight from the most vacuous politician. Here, O'Rourke is no slouch. He asks broad, philosophical questions regarding the merits of rent-seeking behavior within our political institutions ("What the fuck do they do all day and why does it cost so goddamned much money?"); and he asks the specific, technical questions required to make sense out of the economic and legal quagmire surrounding the S&L bailout ("What the fuck, huh?! I mean, what the fucking fuck?!"). It's an ugly job that O'Rourke seems to relish.

So, apparently, do a lot of other people, such as the readers of *Rolling Stone*. P.J. O'Rourke's Irrational Affairs column is reportedly the magazine's most widely read—an amazing feat, considering the left-of-center political agenda of the vast majority of *Stone*'s writers, and presumably, its readership as well.

In fact, some of the best chapters in *Whores* originated in the pages of *Rolling Stone*—the text most teenagers are actually reading in Civics 101, while the teacher (probably the same one you had) drones on about the unique structure of bicameral legislatures and the delicate balance of power between the three branches of government.

Maybe your kids are learning something in the public schools after all.

Matthew B. Kibbe is director of federal budget policy for the U.S. Chamber of Commerce. Nothing written here necessarily reflects the views of the Chamber.

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"The history of civilization is the record of a ceaseless struggle for liberty." (Ludwig von Mises)

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EXPERIMENT IN LIBERTY: The First Five Hundred Years of Freedom in America, 1492-1992. By W. M. Gray. 436 pp. $30.00 hardback, delivered. Order from the publishers: Dixon, Gray, Springer. 210 E. First, Chanute, KS 66720, Phone 316-431-9580, or from your local book store.

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CSE

Stranger in a Strange Land, by Robert A. Heinlein, New York: Ace/Putnam, 525 pages, $24.95. The original version of Robert Heinlein's classic novel was published earlier this year, including more than 50,000 words he was required to cut.

The book caused quite a sensation when it was published in 1961. The best-known and most notorious of Heinlein's numerous novels, it is a social/political satire of some of the basic premises of today's civilization—in Heinlein's own words, challenging the "two untouchables" of monogamy and monotheism (although it also challenges many prevailing notions of politics and government).

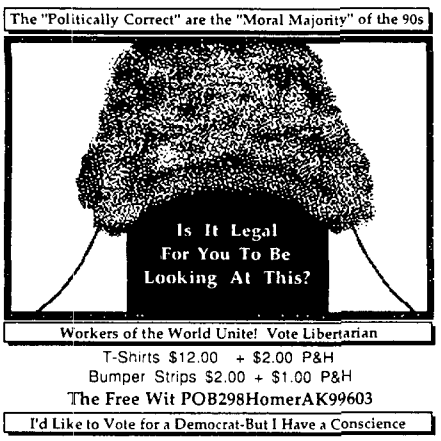
Readers seeking previously undisclosed sexual episodes or more blasphemous treatment of received wisdom will not find them in this restored edition. What they will find, however, is greater elaboration on Heinlein's characters' challenges to conventional wisdom, making the whole enterprise more comprehensible and, in my judgment, better done. Thirty years after its publication, the book holds up very well, both as criticism and as science fiction.

In *Stranger*, some sort of (non-all-out-nuclear) World War III has led to a New World Order in which a U.N.-type Federation government is the dominant political authority on the planet. The U.S. president is reduced to one among many statesmen, with the Federation secretary general the numero uno world leader—the George Bush of the day. As if the story were concocted from today's headlines, we find the secretary general (who happens to be an American) manipulated on many matters of state by his ambitious wife, who turns for advice to her trusted astrologer. We have a world (conceived in the '50s) with such commonplaces as water beds, fax machines, stereo TVs, socially acceptable single motherhood, populist preachers as politically powerful figures, and exceedingly powerful and pervasive government.

All this provides the backdrop for Heinlein's literal use of the "man from Mars" device to highlight and question the received wisdom on sex, religion, and politics. He posits a human infant, the sole survivor of the first manned Mars mission, raised to adulthood by a very alien race of Martians with "psi" powers and without gender and sexual reproduction. The book follows the career of Valentine Michael Smith, from his return to Earth as a young adult to his evolution into a cult figure, religious leader, and martyr.

Though ideas figured prominently in most of Heinlein's fiction, he often stated that his main reason for writing was to make a living by telling stories. With *Stranger*, he made an exception. This was the book, more than any other, in which he wished to express ideas, to say his piece, to make people think. After 30 years, it's clear that he succeeded.

—Robert W. Poole, Jr.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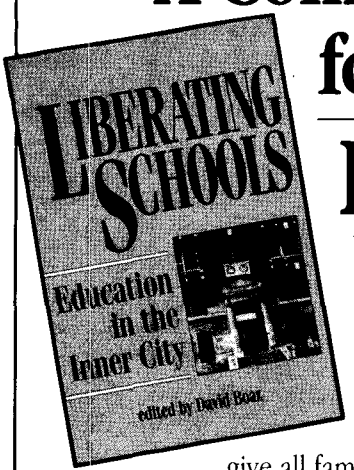

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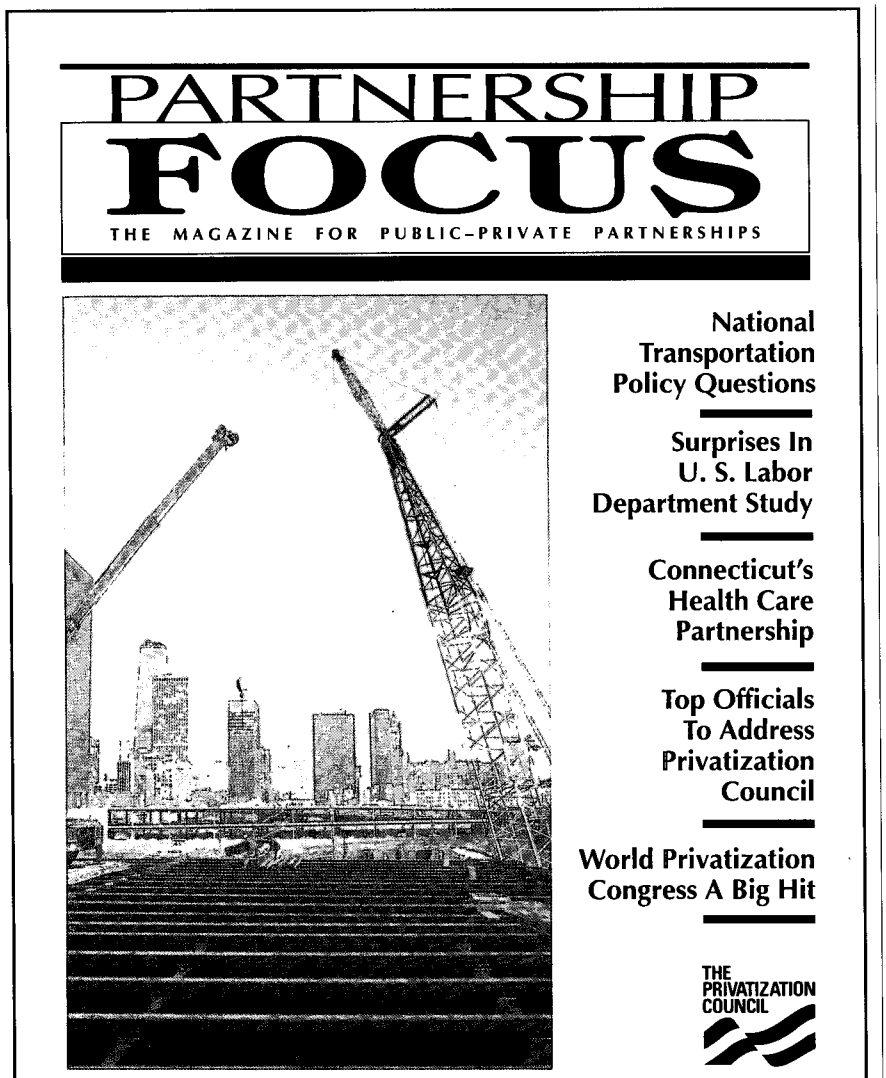
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DO THE CHEAP THING

BY THOMAS W. HAZLETT

Matty Rich's *Straight Out of Brooklyn* is a sobering film about the futility of life in the ghetto. Old theme? Tired plot? Maybe. But there is something distinctive in this portrayal; it pounds the incessant meanness of the projects right into the viewer's soul.

How has Mr. Rich achieved such artistry? Not by dazzling technique. His movie is an uneven affair, almost amateurish at moments. Not by fancy cinematography, special effects, or studio editing tricks: The film is decidedly low-budget. Nor by dint of long years of training under the masters of the film art. Matty Rich, you must know, is but 19 years of age.

The power of this film comes from the personal vantage point that society has bequeathed the young director. Matty Rich *has* come straight out of Brooklyn, and the images on screen haven't been prettied up by a Harvard MBA reading scripts at Paramount. As a truth-teller in a medium created for fantasy, Rich offers viewers a megadose of reality.

But the big picture is this: Rich has shown that today a ghetto kid with some moxie can become the niftiest thing you can be on this planet—a filmmaker.

Moxie didn't used to be enough. For decades, would-be directors had to learn on the job. Convincing a production company to give you the jack to make a feature without long years of studio apprenticeship (or an uncle on the inside) was about as easy as being the Dodgers' opening-day pitcher without having tossed an inning of Little League.

Today, however, a good, solid videocam can be had for about $700 at any electronics discount house. That machine, powered by the magic of the microchip, will perform cinematic tricks beyond those possible just 15 or 20 years ago by full-fledged studio equipment costing tens of thousands of dollars. A used 16mm Bolex, on which big-time movies are made, can be picked up in good condition for under $1,500. Professional editing machines go for about $3,500—and can be rented by the week. The current barrier to entry into filmmaking is a MasterCard.

As entry costs have plummeted, the number of outlets for films has exploded. Video peddlers now have not just the big-screen theaters and the TV-network triopoly but 70 cable channels, hundreds of new independent broadcast stations, and the direct-to-cassette market as well. Add new foreign markets—America is the South Korea of entertainment software exports—and the ghetto kid with moxie becomes bankable.

Society's experts all have their heads turned the other way. The communications schools are self-absorbed in lost worlds and obsolete market definitions, ranting about the increasing concentration of daily newspapers in fewer hands and corporate censorship of broadcast television, while entirely missing the show up on the Big Screen: society's economics-driven atomization of news, information, and entertainment services. From online databases to cable's explosion of choice to the burst of "alternative" weeklies now serving the yuppie/counterculture submarket, new media make Americans less and less dependent on mainstream news and entertainment.

It would be easy to attribute this to a wave of awe-inspiring technology, since the electronics revolution, desktop publishing, and the enlargement of the television dial all seem linked to the science lab. But that would mistake the invention for the innovation. New tech may spark the new product, but it need not: Only after the villainous Rupert Murdoch smashed the British newspaper unions under the political cover of the early Thatcher years did British papers switch from the old "hot type" printing to computerized typesetting. Paradoxically, this cost-slashing publishing innovation opened the gates for scores of new left-wing publications theretofore economically impossible. Likewise, forget about the union label on a Spike Lee project.

Experts said such vulgar economic forces would breed the culture's subjugation to the saga of Ozzie and Harriet. How wrong they have become, as offbeat flicks and directors of color flourish due to new production and marketing efficiencies. They don't all tell the truth (*Roger & Me* was a commercially successful gaggle of lies packaged as a documentary), but they expand the circle of democratic debate to a radius unheard of in less profit-hungry nations. To bring Lenin up to speed, the capitalist gladly sells left-wing activists the audio-visual equipment to frame capitalism, and at an increasingly competitive price.

Even friendlier to freedom are the free-lance filmsters. When George Holliday videotaped the LAPD pummeling a defenseless Rodney King, he instantly entered America's political arena as a social critic of great influence. Today, millions of unregulated private citizens patrol the precincts of the world, armed with Japanese video cameras made possible by technology and made cheap by market competition. They delight in taping the offensive actions of agents of the state, from the streets of Los Angeles to the back alleys of Croatia.

As a sensation-seeking journalist, George Orwell saw society's horrible future: Science would progress to serve the state in its quest for total control of the individual. He seemed oblivious to the reverse possibility: The flowering of technology now allows the citizen to spy upon the state. *1984* was a pretty good book, but I like our movie version much better.

Contributing Editor Thomas W. Hazlett teaches economics and public policy at the University of California, Davis.

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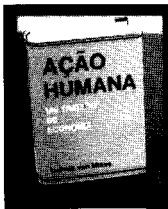
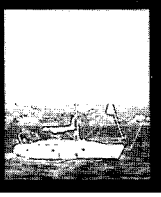
MEXICO—Rolando Espinosa, of CEEE, works with scholars and opinion leaders, sponsoring educational field trips to the U.S.



BRAZIL—Instituto Liberal translated and published a Portuguese version of Ludwig von Mises's *Human Action.*

PERU—Hernando de Soto and the ILD have helped thousands gain legal title to land.



URUGUAY—Atlas 17th International Workshop will be held in Punta del Este, November 20-23, 1991.

CHILE—Arturo Fontaine and Centro Estudios Publicos published *Para Combatir la Pobreza (To Combat Poverty)*, a blueprint for social welfare reform.

ARGENTINA—Ponciano Vivanco and Fundacion Republica organize seminars to educate union leaders.

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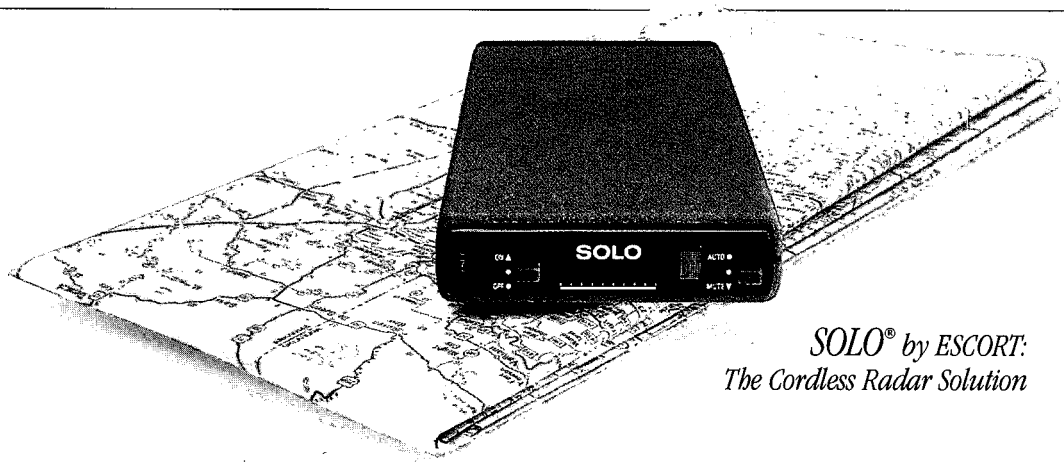

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